



भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, DECEMBER 4, 1993/AGRAHAYANA 13, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and notifications issued by the Ministries of the Government of India (other than
Ministry of the Defence)

गृह मंत्रालय

नई दिल्ली, 12 नवम्बर, 1993

का ध्या 2577:—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में गृह मंत्रालय के निम्नलिखित कार्यालयों/बटालियनों में हिन्दी का कार्यमाध्यक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करणी है:—

- कार्यालय पुलिस महानिरीक्षक, स्पेशल सेक्टर के. रि. पु. बल, नई दिल्ली।
- कार्यालय पुलिस उप-महानिरीक्षक, स्पेशल रेंज, के. रि. पु. बल, नई दिल्ली।
- कार्यालय पुलिस उप-महानिरीक्षक, के. रि. पु. बल, जालंधर।
- कार्यालय पुलिस उप-महानिरीक्षक, के. रि. पु. बल, भोपाल।
- कमांडेंट 111 बटालियन, के. रि. पु. बल।
- कमांडेंट 112 बटालियन, के. रि. पु. बल।
- कमांडेंट 115 बटालियन, के. रि. पु. बल।
- कमांडेंट 118 बटालियन, के. रि. पु. बल।
- कमांडेंट 119 बटालियन, के. रि. पु. बल।
- कमांडेंट 120 बटालियन, के. रि. पु. बल।
- कमांडेंट 121 बटालियन, के. रि. पु. बल।
- कमांडेंट 122 बटालियन, के. रि. पु. बल।

- कमांडेंट 123 बटालियन, के. रि. पु. बल।
- कमांडेंट 124 बटालियन, के. रि. पु. बल।
- कमांडेंट 125 बटालियन, के. रि. पु. बल।
- कमांडेंट 126 बटालियन, के. रि. पु. बल।
- कमांडेंट 127 बटालियन, के. रि. पु. बल।
- कमांडेंट 128 बटालियन, के. रि. पु. बल।
- पुनिव उप-महानिरीक्षक का कार्यालय, के. रि. पु. बल गांधी नगर (गुजरात)

[सं. 12017/2/93—हिन्दी]

ब्री सिंह निदेशक (रा. भा.)

MINISTRY OF HOME AFFAIRS

New Delhi, the 12th November, 1993

S.O. 2577.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Offices/Battalions of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80 percent :—

- Office of the I.G. Police, Spl. Sector, C.R.P.F. New Delhi
- Office of the D.I.G. Police, Special Range, C.R.P.F. New Delhi
- Office of the D.I.G. Police, C.R.P.F. Jalandhar.
- Office of the D.I.G. Police, C.R.P.F. Bhopal.
- The Commandant, 111 Battalion, C.R.P.F.

(3675)

6. The Commandant, 112, Battalion, C.R.P.F.
7. The Commandant, 115, Battalion, C.R.P.F.
8. The Commandant, 118, Battalion, C.R.P.F.
9. The Commandant, 119, Battalion, C.R.P.F.
10. The Commandant, 120, Battalion, C.R.P.F.
11. The Commandant, 121, Battalion, C.R.P.F.
12. The Commandant, 122, Battalion, C.R.P.F.
13. The Commandant, 123, Battalion, C.R.P.F.
14. The Commandant, 124, Battalion, C.R.P.F.
15. The Commandant, 125, Battalion, C.R.P.F.
16. The Commandant, 126, Battalion, C.R.P.F.
17. The Commandant, 127, Battalion, C.R.P.F.
18. The Commandant, 128, Battalion, C.R.P.F.
19. Officer of the D.I.G. Police, C.R.P.F. Gandhi Nagar (Gujarat).

[No. 12017/2/93-Hindi]
BADRI SINGH, Director (OL)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 9 नवम्बर, 1993

(आयकर)

का. शा. 2578:— ब्याज अधिनियम, 1974 (1974 का 45) की धारा 28 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, जिसका यह विश्वास है कि नवविधि में ऐसा करना अनिवार्य एवं आवश्यक है एतद्वारा, केन्द्रीय सहकारी समितियों को सीधे अपना राज्य सरकारों के माध्यम से दिए गए ऋणों और ऋणित पेशगियों के संबंध में ब्याज कर धारक करने से राष्ट्रीय सहकारी विकास निगम नहीं दिल्ली को छूट देती है।

[अधिसूचना सं. 9403/फा. सं. 160/2/93-आयकर नि.-1]

जी. मुथुरामाकृष्णन, निदेशक

MINISTRY OF FINANCE
(Department of Revenue)

New Delhi, the 9th November, 1993

(INCOME-TAX)

S.O. 2578.—In exercise of the powers conferred by Section 28 of the Income Tax Act, 1974 (45 of 1974), the Central Government, on the recommendation of the Reserve Bank of India, being of the opinion that it is necessary and expedient so to do in the public interest, hereby exempts the National Co-operative Development Corporation, New Delhi from the levy of interest-tax in respect of the loans and advances made either directly or through State Governments to non-Banking Cooperative societies.

[Notification No. 9403/F. No. 160/2/93-ITA-I]
G. MUTHURAMAKRISHNAN, Director

नई दिल्ली, 9 नवम्बर, 1993

(आयकर)

का. शा. 2579:—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बम्बई फ्लायिंग क्लब, बम्बई" 1930-31 से 1992-93 तक के कर-निर्धारण वर्षों के लिए

निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारितो उक्त आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उक्त संयन इस प्रकार के संयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुसार पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारितो उक्त अधिसूचित कर-निर्धारण वर्षों से मंगत पूर्ववर्ती वर्षों की तिथि जो शरति के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट तिथि एक अवधि एक से अधिक हैं। प्रत्येक तरीकों से निम्न तरीकों से उनकी निधि [निवेश-जमावृत्त फंडों पर अथवा प्रत्येक वस्तु जिसे उपर्युक्त खंड (23) के तहत पर-पुनः के यतीन बोर्ड द्वारा अधिसूचित किया जाए के रूप में प्राप्त भूया रख-रखाव में निवेश अंशदान से निधि] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) कर-निर्धारितो अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संवितरण करने से संबंध किसी एमोलिएशन अथवा संस्था को अनुदान के प्रभाव नहीं करेगा; और
- (4) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिजात हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारितो के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में आय से लेखा-गुस्तिगर्ण नहीं रखी जाती हो।

[अधिसूचना सं. 9402/फा. सं. 196/7/92—आयकर नि.-1]

शरतचन्द्र, धनर सचिव

New Delhi, the 9th November, 1993

(INCOME-TAX)

S.O. 2579.—In exercise of the powers conferred by clause (23) of Section 10 of the income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Bombay Flying Club, Bombay" for the purpose of the said clause for assessment years 1990-91 to 1992-93 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, in conformity with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds [other than voluntary contributions received and maintained in the form of jewellery furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23)] for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9402/F. No. 196/7/92-ITA-I]

SHARAT CHANDRA, Under Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 12 नवम्बर, 1993

का. आ. 2580:—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम-10 के उपनियम (4) के अनुसरण में (वित्त मंत्रालय, आर्थिक कार्य विभाग के प्रशासनिक निबंधन में स्थित) भारतीय माध्यम बोर्ड निम्न के निम्नलिखित कार्यालयों को जिनके 80 प्रतिशत से अधिक कर्मचारी/गुरु ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है:

कम्पनी का नाम

नेशनल इन्सुरेंस कं. लि.

1. क्षेत्रीय कार्यालय, अहमदाबाद
2. मंडल कार्यालय-1 अहमदाबाद
3. नगर शा. कार्यालय-1 अहमदाबाद
4. शाखा कार्यालय, बावला
5. मंडल कार्यालय-2, अहमदाबाद
6. नगर शा. कार्यालय-2, अहमदाबाद
7. मंडल कार्यालय-3, अहमदाबाद
8. मंडल कार्यालय-4, अहमदाबाद
9. नगर शा. कार्यालय-3, अहमदाबाद
10. मंडल कार्यालय, राजकोट
11. नगर शाखा कार्यालय, राजकोट
12. शाखा कार्यालय, जाननगर
13. शाखा कार्यालय, मोरबी
14. शाखा कार्यालय, भावीधाम
15. मंडल कार्यालय, जूनागढ़
16. शाखा कार्यालय-I, बेरावल
17. शाखा कार्यालय, जेतपुर
18. शाखा कार्यालय, माणजवार
19. मंडल कार्यालय, भावनगर
20. शाखा कार्यालय, प्रमरेली
21. शाखा कार्यालय, सुरेन्द्रनगर
22. शाखा कार्यालय-2, आनंद नगर
23. नगर शाखा कार्यालय-3, वडोदा

[सं. 13011/1/92—हि. का. क.]

यशपाल गुप्ता, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 12th November, 1993

S.O. 2580.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Administrative control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

Name of the Company : National Insurance Co. Ltd.

1. Regional Office, Ahmedabad
2. Divisional Office, Ahmedabad
3. City Branch Office, Ahmedabad
4. Branch Office, Bavla
5. Divisional Office-II, Ahmedabad
6. City Branch Office-II, Ahmedabad
7. Divisional Office-III, Ahmedabad
8. Divisional Office-IV, Ahmedabad

9. City Branch Office-III, Ahmedabad

10. Divisional Office, Rajkot

11. City Branch Office, Rajkot

12. Branch Office, Jamnagar

13. Branch Office, Morbi

14. Branch Office, Gandhidham

15. Divisional Office, Junagarh

16. Branch Office-I, Berawal

17. Branch Office, Jetpur

18. Branch Office, Manavdar

19. Divisional Office, Bhavnagar

20. Branch Office, Amreli

21. Branch Office, Surendranagar

22. Branch Office-II, Anand Nagar

23. City Branch Office-III, Baroda.

[No. 13011/1/92-HIC]

YASIPAL GUPTA, Under Secy.

(बैंकिंग प्रभाग)

नई दिल्ली, 10 नवम्बर, 1993

का.आ. 2581:—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 की उपधारा (1) के खण्ड (ग) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक के साथ परामर्श करने के पश्चात् एतद्वारा, श्री जी.आई. पटेल, अध्यक्ष, राष्ट्रीय भारतीय सहकारी आवास संघ, नई दिल्ली को 10 नवम्बर, 1993 से आरम्भ होने वाली तीन वर्ष की अवधि के लिये राष्ट्रीय आवास बैंक के निदेशक मंडल में निदेशक के रूप में नियुक्त करती है।

[सं. 7/2/88जी.ओ.-I]

एम.एस. सीतारामन, अवर सचिव

((Banking Division))

New Delhi, the 10th November, 1993

S.O. 2581.—In pursuance of clause (c) of sub-section (1) of Section 6 of the National Housing Bank Act, 1987 (No. 53 of 1987), the Central Government, in consultation with Reserve Bank of India, hereby appoints Sri G. I. Patel, Chairman, National Cooperative Housing Federation of India, New Delhi as a Director on the Board of Directors of the National Housing Bank, for a period of three years commencing on 10th November, 1993.

[F. No. 7/2/88-B.O.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 10 नवम्बर, 1993

का.आ. 2582:—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 की धारा 6 की उपधारा (1) के खण्ड (ग) के उपखंड (4) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री एस.पी. तलवार, वर्तमान अध्यक्ष एवं प्रबंध निदेशक, बैंक आफ बड़ोदा को भारतीय

औद्योगिक विकास बैंक के निदेशक के रूप में नियुक्त करती है।

[एफ. सं. 7/7/92-बी.ओ.-I]

एम.एस. सीतारामन, अवसर सचिव

New Delhi, the 10th November, 1993

S.O. 2582.—In pursuance of sub-clause (iv) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964, the Central Government hereby nominates Shri S. P. Talwar, Chairman and Managing Director, Bank of Baroda, as a director of Industrial Development Bank of India.

[F. No. 7/7/92-B.O. I]

M. S. SEETHARAMAN, Under Secy.

मुख्य आयकर आयुक्त का कार्यालय

अहमदाबाद, 5 अक्टूबर, 1993

(आयकर)

फा.अ. 2583—आयकर अधिनियम, 1961 की धारा 120 की उपधारा (1) द्वारा प्रदत्त एवं इस धारा के तहत 30-3-1988 को पारित तथा समय-समय पर शोधित केन्द्रीय प्रत्यक्ष कर बोर्ड की इस विषयक सूचना नं० 7818, फा.नं. 187/5/88-आईटीए/1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, अहमदाबाद और मुख्य आयकर आयुक्त-2, अहमदाबाद एतद्वारा अधिसूचित करते हैं कि इसके नीचे दी गई अनुसूची के स्तम्भ 3 में उल्लिखित अधिकारिता क्षेत्र में पड़ने वाले मामलों तथा मामला-प्रवर्गों के संबंध में अनुसूची के स्तम्भ 1 में विनिर्दिष्ट आयकर आयुक्त ही अपने कर्तव्यों का पालन करेंगे जिनका मुख्यालय अनुसूची के स्तम्भ 2 में दर्शाए गये अनुसार होगा।

अनुसूची

आयकर आयुक्त	मुख्यालय	अधिकारिता क्षेत्र
1	2	3
आयकर आयुक्त-2, अहमदाबाद	अहमदाबाद	अहमदाबाद स्टॉक एक्सचेंज में रजिस्टर्ड शेयर दलालों के तथा उनसे सम्बद्ध उप-दलालों के सभी मामले, ओटीसी एक्सचेंज, अहमदाबाद के शेयर ब्रोकर्स एवं ऐसे सभी शेयर-ब्रोकर्स तथा सब-ब्रोकर्स जो उक्त शेयर-ब्रोकर्स से सम्बद्ध हों और जिनके व्यवसाय की मुख्य स्थान और/अथवा पंजीकृत कार्यालय आयकर आयुक्त गुजरात-1/2/3 अहमदाबाद की अधिकारिता-क्षेत्र के अन्तर्गत पड़ता हो।

2. यह आदेश 1 नवम्बर, 1993 से लागू होगा।

[फा.सं. प्रशा.-1/120-7/88]

पी.एन. मित्तल, मुख्य आयकर आयुक्त एवं
मुख्य आयकर आयुक्त-2

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX

Ahmedabad, the 5th October 1993

(INCOME-TAX)

S.O. 2583—In exercise of the powers conferred by sub-section (1) of section 120 of the Income-tax Act, 1961 and the notification of the Central Board of Direct Taxes No. 7818 F.No. 187/5/88-ITA/1 dated 30-3-1988 as amended from time to time issued under the said section in this behalf, the Chief Commissioner of Income-tax, Ahmedabad and Chief Commissioner of Income-tax-II, Ahmedabad hereby notify that the Commissioners of Income-tax specified in column 1 of Schedule hereto annexed with Headquarters specified in column 2 below shall perform functions in respect of such cases or classes of cases as are referred in column of the said Schedule.

SCHEDULE

Commissioner of Income-tax.	Head-quarters	Jurisdiction
1	2	3
Commissioner of Income-tax, Gujarat-II Ahmedabad.	Ahmedabad.	All cases of share brokers who are registered with the Ahmedabad Stock Exchange and all cases of sub-brokers associated with those share-brokers of the O.T.C. Exchange, Ahmedabad and all share-brokers and Sub-brokers associated with share brokers having their principal place of business and/or registered office under the jurisdiction of Commissioner of Income-tax, Gujarat-I/II/III, Ahmedabad.

2. These orders shall take effect from 1st November, 1993.

[F. No. Ac'm-I/120-7/88]

P.N. MITTAL, Chief Commissioner of Income-tax &
Chief Commissioner of Income-tax-II

वाणिज्य मंत्रालय
(महानिदेशालय विदेश व्यापार)
नई दिल्ली, 19 नवम्बर, 1993

का.आ. 1584—मै. ओसवाल इंजीनियरिंग एण्ड प्रोजेक्ट, सातवीं मंजिल, अन्तरिक्ष भवन, 22, के.जी. मार्ग नई दिल्ली-110001 को 57,70,00,000/- रुपये के निर्यात आयात के साथ 32,12,49,500/- रुपये के लागत बीमा भाड़ा मूल्य के लिये विशेष अग्रदाय लाइसेंस सं. पी/एल/ 1521838 दिनांक 3-7-92 और डीईईसी बुक सं. 055613 भाग 1 और 2 जारी होने की तिथि से 12 महीने की वैधता अवधि के लिये प्रदान किये गये थे (बाद में 28-2-1994 तक पुनः वैध) अब फर्म ने उक्त विशेष अग्रदाय लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि इस आधार पर प्रदान करने के लिए आवेदन किया है कि उक्त लाइसेंस मुद्रा विनिमय नियंत्रण प्रति कांडला सीमाशुल्क अधिकारी से पंजीकृत होने के बाद तथा अंशतः प्रयोग के बाद खो गई है। शपथ पत्र में परिशिष्ट 6 में इस आशय की एक घोषणा भी समाविष्ट की गई है कि उक्त विशेष अग्रदाय लाइसेंस (मुद्रा विनिमय नियंत्रण प्रति) का बाद में पता लगने पर या उनके मिलने पर, प्रक्रिया पुस्तक 1992-97 के यथासंशोधित पैरा 21 के अनुसार, निर्गम प्राधिकारी को लौटा दिया जायेगा।

इस पर संतुष्ट होते हुए कि उक्त विशेष अग्रदाय लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति लाइसेंसधारी फर्म द्वारा खो गई है, अधोहस्ताक्षरी निर्वेश देते हैं कि उक्त विशेष अग्रदाय लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि आवेदक को जारी की जाये। विदेश व्यापार (विकास और विनियमन) अधिनियम, 1992 की धारा 9 की उपधारा (4) में प्रवृत्त अधिकारों का प्रयोग करते हुए अधोहस्ताक्षरी उक्त विशेष अग्रदाय लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति को भी एतद्वारा निरस्त करते हैं।

[फाइल सं. 01/82/42/51/ए.एम.-93/डी ई एस-2/2087]

आर.के. सूब, उप महानिदेशक विदेश व्यापार
कृते महानिदेशक विदेश व्यापार

MINISTRY OF COMMERCE

(Office of the Directorate General of Foreign Trade)
New Delhi, the 19th November, 1993

S.O. 2584.—M/s. Oswal Engineering and Projects, 7th Floor, Antrikesh Bhavan, 22, K. G. Marg, New Delhi-110001, were granted a Special Imprest Licence No. P/L/1521838 dated 3-7-92 and DEEC Book bearing No. 055613, Part I and II, for a CIF value of Rs. 32,12,49,500 with an Export Obligation of Rs. 57,70,00,000/- with a validity of 12 months from the date of issue (subsequently revalidated upto 28-2-1994). Now the firm have applied for grant of duplicate of Exchange Control Purpose Copy, of the said Special

Import Licence the ground that the licence, (Exchange Control Purpose Copy), has been lost after having been registered with Kandla Customs Authority and utilised partially. A declaration has also been incorporated in the Affidavit in Appendix-VI to the effect that if the said Special Imprest Licence (Exchange Control Purpose Copy) is traced or found later on, the same will be returned to the issuing authority, in terms of para 21 of the Hand Book of Procedures for 1992-1997 as amended.

On being satisfied that the original of Exchange Control Purpose Copy of the above said Special Imprest Licence has been lost by the Licence firm, the undersigned directs that duplicate of the Exchange Control Purpose Copy of the above said Special Imprest Licence be issued to the applicant. The undersigned also, in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancel the Original of Exchange Control Purpose Copy of the above said Special Imprest Licence.

[F. No. 01/82/42/51/AM-93/DES. II/2087]

R. K. SOOD, Dy. Director General of Foreign Trade
for Director General of Foreign Trade

कोयला मंत्रालय

शुद्धि पत्र

नई दिल्ली, 3 नवम्बर, 1993

का.आ. 2584—भारत के राजपत्र असाधारण तारीख 23 फरवरी, 1993 के भाग-2, खण्ड-3, उपखण्ड (ii) में पृष्ठ संख्या 1 से 3 पर प्रकाशित भारत सरकार कोयला मंत्रालय की अधिसूचना का.आ.सं. 118(अ) तारीख 23 फरवरी, 1993 में—

पृष्ठ क्रमांक 2

ग्राम लालपुर (भाग) में अजित किये गये प्लाट संख्यांक में पंक्ति 3 493 भाग) के स्थान पर "493" पढ़ें।
पृष्ठ क्रमांक 3 सीमा वर्णन में,

रेखा झ-क, पंक्ति 2, "274", 279" के स्थान पर "274, 273" पढ़ें।

[सं. 43015/23/86-सीए/एल एस डब्ल्यू]

बी.बी. राव, अवर सचिव

MINISTRY OF COAL
CORRIGENDUM

New Delhi, the 3rd November, 1993

S.O. 2585.—In the notification of the Government of India in the Ministry of Coal No. S.O. 118(E) dated the 23rd February, 1993 published at pages 1 to 5 of the Gazette of India, Extraordinary Part-II, Section 3, Sub-section (ii) dated the 23rd February, 1993,—

- (i) at page 4(i) in Plot numbers acquired in village Mahimar (Part), in line 1st, for "150 to 164(P)" read "15 to 164, 165(P)";
- (ii) at page 5, in Boundary Description,—
 - (a) against line heading F G-H, in line 1st for "328, 329" read "328, 329";
 - (b) against line heading I A, in line 1st, for "128, proceeds" read "128, then proceeds".

[No. 43015/23/86 CA/LSW]

G. B. RAO, Under Secy.

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2586.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाय्य अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जुन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अधीन आने वाले रेखांक सं. सी 1 (ई)/III/जे. आर./531—293 तारीख 1 फरवरी, 1993 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोयला एस्टेट, सिविल लाइन्स, नागपुर—440001 (महाराष्ट्र) के कार्यालय में या कलकटर चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवन्त सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक़्शों, चाट और अन्य दस्तावेजों इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) कोलफील्ड्स लिमिटेड, कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

नवगांव विस्तार ब्लॉक

चन्द्रपुर क्षेत्र

जिला—चन्द्रपुर (महाराष्ट्र)

क्रम सं.	ग्राम का नाम	पटवारी सकिल सं.	कंपार्टमेंट सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	विसापुर	7	—	चन्द्रपुर	चन्द्रपुर	47.50	भाग
2.	भिवकुंड	7	—	चन्द्रपुर	चन्द्रपुर	75.90	भाग
3.	आरक्षित वन	—	486	चन्द्रपुर	चन्द्रपुर	17.70	भाग
						कुल	141.10 हेक्टर (लगभग)
						या	348.67 एकड़ (लगभग)

सीमा वर्णन :

क-ख	रेखा "क" बिन्दु से आरम्भ होती है और ग्राम विसापुर से होकर गुजरती है तथा "ख" बिन्दु पर मिलती है।
ख-ग	रेखा ग्राम नवगांव और विसापुर धर्मशाला टुकुम और भिवकुंड की सम्मिलित सीमा से होकर गुजरती है उसके पश्चात् ग्राम धर्मशाला टुकुम और आरक्षित वन के साथ-साथ चलती है तथा "ग" बिन्दु पर मिलती है।
ग-घ	रेखा आरक्षित वन से होकर गुजरती है और ग्राम भिवकुंड तथा आरक्षित वन की सम्मिलित सीमा के साथ-साथ चलती है उसके पश्चात् ग्राम भिवकुंड से होकर गुजरती है और "घ" बिन्दु पर मिलती है।
घ-ङ-च-क	रेखा ग्राम भिवकुंड और विसापुर ग्राम से होकर गुजरती है तथा आरम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/6/93-एल.एस.डब्ल्यू.]

बी. बी. राय, अवसर सचिव

New Delhi, the 10th November, 1993

S.O. 2586 .—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to a prospect for coal therein.

The plan bearing No. C-1(E)/III/JR/531-293 dated the 1st February, 1992 to the areas covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra), or in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer incharge/Head of the Department (Revenue) Western Coalfields Limited, Coal Estate, Civil Lines Nagpur-440001 (Maharashtra) within ninety days from the date of the publication of this notification.

SCHEDULE**NANDGAON EXTENSION BLOCK**

**CHANDRAPUR AREA
DISTRICT—CHANDRAPUR
(MAHARASHTRA)**

Serial Number	Name of village	Patwari circle number	Compartment number	Tehsil	District	Areas in hectares	Remarks
1.	Visapur	7	—	Chandrapur	Chandrapur	47.50	Part
2.	Bhiokund	7	—	Chandrapur	Chandrapur	75.90	Part
3.	Reserve Forest	—	486	Chandrapur	Chandrapur	17.70	Part
Total—						141.10 hectares (approximately) or 348.67 Acres (approximately)	

Boundary Description :

- A-B** Line start from point 'A' and passes through village Visapur and meets at point 'B'
- B-C** Line passes along the common village boundary of villages Nandgaon and Visapur Dharmashala Tukum and Bhiokund then proceeds along the common boundary of village Dharmashala Tukum and Reserve Forest and meets at point 'C'.
- C-D** Line passes through Reserve Forest, and proceeds along the common boundary of village Bhiokund and Reserve Forest, then passes through village Bhiokund and meets at point 'D'.
- D-E-F-A** Line passes through villages Bhiokund and Visapur and meets at starting point 'A'.

[No. 43015/6/93-LSW]

B.B. RAO, Under Secy.

नई दिल्ली, 10 नवम्बर, 1993

का. प्रा. 2587.—केन्द्रीय सरकार को यह प्रतीत होता है कि उसने उगावद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक अथ (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले रेखांक सं. सी-1(ई)iii/510-0292, तारीख 5 फरवरी, 1992 का निरीक्षण वैस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व विभाग) कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कर्मकटर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्ट, और अन्य दस्तावेज इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी विभागाध्यक्ष (राजस्व) वैस्टर्न कोलफील्ड्स लिमिटेड, कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

सावनेर खदान सं. 1 विस्तार क्लाफ

नागपुर क्षेत्र

जिला—नागपुर (महाराष्ट्र)

(रेखांक सं. सी—1 (ई)iii/एफ. प्रार./510-0292 तारीख 5-2-91)

क्रम सं.	ग्राम का नाम	पटवारी सकिल सख्या	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	पटका खड़ी	33	सावनेर	नागपुर	400.00	भाग
2.	आंगेवाड़ा	33	सावनेर	नागपुर	39.00	भाग
3.	कोटोड़ी	30	सावनेर	नागपुर	141.00	भाग
कुल क्षेत्र					580.00 हैक्टर (लगभग) या 1433.18 एकड़ (लगभग)	

सीमा वर्णन :

- क-ख : रेखा "क" बिन्दु से आरम्भ होती है और ग्राम आंगेवाड़ा और पटकाखेड़ी से होकर गुजरती उसके पश्चात् ग्राम पटकाखेड़ी और मानेगांव की सम्मिलित सीमा के साथ-साथ चलती है तथा "ख" बिन्दु पर मिलती है।
- ख-ग : रेखा ग्राम पटकाखेड़ी और पेठराखेड़ी, कोटोड़ी और पठराखेड़ी की सम्मिलित सीमा के साथ-साथ गुजरती उसके पश्चात् ग्राम कोटोड़ी से गुजरती है और "ग" बिन्दु पर मिलती है।
- ग-घ : रेखा ग्राम कोटोड़ी और पेठेडगांव की सम्मिलित सीमा के साथ-साथ गुजरती है तथा ग्राम कोटोड़ी से होकर गुजरती है। उसके बाद ग्राम कोटोड़ी और अरासा, पटकाखेड़ी और अरासा की सम्मिलित सीमा के साथ-साथ गुजरती है तथा "घ" बिन्दु पर मिलती है।
- घ-क : रेखा ग्राम पटकाखेड़ी और बौरगांव की सम्मिलित सीमा के साथ-साथ गुजरती है उसके बाद ग्राम आंगेवाड़ा से होकर गुजरती है और आरम्भिक बिन्दु "क" पर मिलती है।

[का. सं. 43015/6/92-एम. एस. डब्ल्यू.]

बी. वी. राव, अधीक्षक सचिव

New Delhi, the 10th November, 1993

S.O. 2587.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to respect for special therein.

The plan bearing No. C-1(E)III/FR/510-0292 dated 5th February, 1992 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Nagpur (Maharashtra) or in the office of the coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section 7 of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE

SAONER MINE NO. 1 EXTENSION BLOCK

NAGPUR AREA

DISTRICT NAGPUR (MAHARASHTRA)

(PLAN NO. C-1 (E)III/FR/510-0292 DATED 5-2-1992)

Serial number	Name of village	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1.	Patkakhedi	33	Seoner	Nagpur	400.00	Part
2.	Angewada	33	Saoner	Nagpur	39.00	Part
3.	Kotodi	30	Saoner	Nagpur	41.00	Part
Total area :					580.00 hectares (approximately)	
or					1433.18 acres (approximately)	

Boundary Description:

- A-B:** Line starts from point 'A' and passes through villages Angewada and Patkakhedi, then proceeds along the common boundary of villages Patkakhedi and Malgaon and meets at point 'B'.
- B-C:** Line passes along the common boundary of villages Patkakhedi and Pandharakhedi, Kotodi and Pandharakhedi, then passes through village kotodi and meets at point 'C'.
- C-D:** Line passes along the common boundary of villages Kotodi and Yarandgaon and passes through village Kotodi, then along the common boundary of villages Kotodi and Adesa, Patkakhedi and Adesa and meets at point 'D'.
- D-A:** Line passes along the common boundary of villages Patkakhedi and Boragaon, then passes through village Angewada and meets at starting point 'Z'.

[No. 43015/6/92-LSW]

B.B. RAO, Under Secy.

नई दिल्ली, 10 नवम्बर, 1993

का.अ. 2588 .—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपावद्ध अनुसूची में उल्लिखित भूमि में कोयला अभि-प्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. सी-1 (ई) III/एक बार/533-293 तारीख 10 फरवरी, 1993 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला एस्टेट सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलक्टर के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शे, चार्ट और अन्य दस्तावेजों इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) वेस्टर्न कोलफील्ड्स लिमिटेड, कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

सावनेर परियोजना क्षेत्र—1 विस्तार (खान संख्यांक 3)

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

क्रम सं.	ग्राम का नाम	पटवारी सफिल सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियाँ
1.	दुधावदी	12 ए	कलमेश्वर	नागपुर	57.95	भाग
2.	सौंगी	10	सावनेर	नागपुर	180.00	भाग
3.	हेती	10	सावनेर	नागपुर	548.60	भाग
4.	सावनेर	34	सावनेर	नागपुर	58.43	भाग
कुल क्षेत्र					844.98 हेक्टर (लगभग)	
					या	
					2087.94 एकड़ (लगभग)	

सीमा वर्णन

- क-ख : रेखा, बिन्दु "क" से आरम्भ होती है और हेती और कोरे घाटे ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है, फिर ग्राम हेती में से होकर जाती है और हेती और परदी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।
- ख-ग : रेखा, हेती और सावनेर ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है, फिर ग्राम सावनेर में से होकर जाती है और बिन्दु "ग" पर मिलती है।
- ग-घ : रेखा, सावनेर और दुधावदी ग्रामों से होकर जाती है, फिर दुधावदी और सौंगी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ गुजरती है, उसके बाद ग्राम सौंगी में से होकर जाती है और सौंगी और सोनोली ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ गुजरती है और बिन्दु "घ" पर मिलती है।
- घ-क : रेखा, सौंगी और कम्पटी, हेती और कम्पटी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं. 43015/7/93-एल. एस. डब्ल्यू.]

वी. बी. राव, अधीक्षक सचिव

New Delhi the 10th November, 1993

S.O. 2588 :—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-I(E)III/FR/533 293 dated the 10th February, 1993 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) or in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act, to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) within ninety days from the date of publication of this notification

SCHEDULE

Saoner Project Phase-I Extension (Mine number 3)

Nagpur Area

District Nagpur (Maharashtra)

Serial No.	Name of village	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Dudhabardi	12A	Kalmeshwar	Nagpur	57.95	Part
2.	Saongi	10	Saoner	Nagpur	180.00	Part
3.	Heti	10	Saoner	Nagpur	543.60	Part
4.	Saoner	34	Saoner	Nagpur	58.43	Part
Total area :					844.98 hectares (approximately or 2087.94 acres (approximately))	

Boundary description :

- A—B Line start from point 'A' and passes along the common village boundary of villages Heti and Koreghate, then proceeds through village Heti and passes along the common village boundary of villages Heti and Pardi and meets at point 'B'.
- B—C Line passes along the common village boundary of villages Heti and Saoner, then proceeds through village Saoner and meets at point 'C'.
- C—D Line passes through villages Saoner and Dudhabardi, then proceeds along the common village boundary of villages Dudhabardi and Saongi, then passes through village Saongi and proceeds along the common village boundary of villages Saongi and Sonoli and meets at point 'D'.
- D—A Line passes along the common village boundary of villages Saongi and Kamptec, Heti and Kamptec and meets at starting point 'A'.

[No. 43015/7/93-LSW]

B.B. RAO, Under Secy.

नई दिल्ली, 10 मक्म्बर, 1993

का.भा. 2589.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायय अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. सी-1 (ई)/111/एच.आर./511-0392 तारीख 31 मार्च, 1992 का निरीक्षण वैस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलैक्टर, छिंदवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाले भूमि में हितवद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्ट और अन्य दस्तावेजों इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) वैस्टर्न कोलफील्ड्स लिमिटेड, कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 को भेजेंगे।

अनुसूची

टांडसी ब्लॉक

जिला छिंदवाड़ा (मध्य प्रदेश)

क्रम सं.	ग्राम का नाम	वन संरक्षित	पटवारी सर्फिल संख्यांक	कंपार्टमेंट संख्यांक	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणी
1.	करंजपानी धुन्दी		3	—	जुन्नारदेव	छिंदवाड़ा	132.739 भाग	
2.	—	संरक्षित	—	पी—410	जुन्नारदेव	छिंदवाड़ा	103.601 भाग	
3.	—	संरक्षित	—	पी—411	जुन्नारदेव	छिंदवाड़ा	50.182 भाग	
4.	—	संरक्षित	—	पी—420	जुन्नारदेव	छिंदवाड़ा	17.807 भाग	
5.	—	संरक्षित	—	पी—421	जुन्नारदेव	छिंदवाड़ा	25.091 भाग	
6.	—	संरक्षित	—	पी—422	जुन्नारदेव	छिंदवाड़ा	46.944 भाग	
7.	—	संरक्षित	—	पी—423	जुन्नारदेव	छिंदवाड़ा	254.147 भाग	
8.	—	संरक्षित	—	पी—434	जुन्नारदेव	छिंदवाड़ा	82.557 भाग	
कुल क्षेत्र							713.068 हैक्टर (लगभग)	
							या 1762.00 एकड़ (लगभग)	

सीमा वर्णन :—

- क-ख : रेखा बिन्दु "क" से आरम्भ होती है और वन कम्पार्टमेंट संख्यांक पी—421, पी—410, पी—411, पी—420 से होकर जाती है और बिन्दु "ख" पर मिलती है।
- ख-ग-घ : रेखा, वन कम्पार्टमेंट संख्यांक पी—420, ग्राम करंजपानी धुन्दी, वन कम्पार्टमेंट संख्यांक पी—423 से होकर जाती है, पुनः ग्राम करंजपानी धुन्दी से होकर जाती है और बिन्दु "घ" पर मिलती है।
- घ-ङ-च : रेखा, ग्राम करंजपानी धुन्दी, वन कम्पार्टमेंट संख्यांक पी—423 से होकर जाती है और बिन्दु "च" पर मिलती है।
- च-छ : रेखा वन कम्पार्टमेंट संख्यांक पी—423, पी—434 से होकर जाती है और बिन्दु "छ" पर मिलती है।
- छ-क : रेखा वन कम्पार्टमेंट संख्यांक पी—434, पी—422, पी—421 से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/7/92-एल.एस.डब्ल्यू]

डी. बी. राव, अव्वर सचिव

New Delhi, the 10th November, 1993

S.O. 2589.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/HR/511-0392 dated the 31st March, 1992 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) or in the office of the Collector, Chhindwara (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 within ninety days from the date of publication of this notification.

SCHEDULE
TANDSI BLOCK
DISTRICT CHHINDWARA (MADHYA PRADESH)

Serial number	Name of the Village	Forest	Patwari circle number	Compartment number	Tehsil	District	Area in hectares	Remarks
1.	Karnjpani Dhundhi	—	3	—	Junnardeo	Chhindwara	132.739	Part
2.		Protected Forest	—	P-410	Junnardeo	Chhindwara	103.601	Part
3.		Protected Forest	—	P-411	Junnardeo	Chhindwara	50.182	Part
4.		Protected Forest	—	P-420	Junnardeo	Chhindwara	17.807	Part
5.		Protected Forest	—	P-421	Junnardeo	Chhindwara	25.091	Part
6.		Protected Forest	—	P-222	Junnardeo	Chhindwara	46.944	Part
7.		Protected Forest	—	P-423	Junnardeo	Chhindwara	254.147	Part
8.		Protected Forest	—	P-434	Junnardeo	Chhindwara	82.557	Part
Total Area :							713.058 hectares (approximately)	
							or	
							1762.00 acres (approximately)	

Boundary description :

- A—B** Line starts from point 'A' and passes through Forest Compartment numbers P-421, P-410, P-411 P-420 and meets at point 'B'.
- B—C—D** Line passes through Forest Compartment number P-420, village Karnjpani Dhundhi Forest compartment number P-423 again through village Karnjpani Dhundhi and meets at Point 'D'.
- D—E—F** Line passes through village Karnjpani Dhundhi Forest Compartment number P-423 and meets at Point 'F'.
- F—G** Line passes through Forest Compartment numbers P-423, P-434 and meets at point 'G'.
- G—A** Line passes through Forest Compartment numbers P-434, P-422, P-421 and meets at starting point 'A'.

[No. 43015/7/92-LSW]
B.B. RAO, Under Secy.

अखिल भारतीय मृदा एवं भू उपयोग सर्वेक्षण

नियुक्ति आदेश

नई दिल्ली, 7 जून, 1993

का. आ. 2590.—समूह "ख" पदों की विभागीय पदोन्नति समिति (कृषि एवं सहकारिता विभाग) की सिफारिश पर तथा इस कार्यालय के नियुक्ति प्रस्ताव पत्र सं. ई-3-48/82—आई. ए. एस./1186/7 तारीख 23-2-93 के अनुक्रम में श्रीमती सबापथि कुण्डुस्वामी ललिथा, कार्यालय अधीक्षक को एतद्वारा 2-4-93 के पूर्वाह्न से प्रशासनिक अधिकारी (ग्रुप "ख" राजपत्रित) के रूप में 2000-60-2300-ईबी.—75-3200-100-3500 - ब. के वेतनमान में अखिल भारतीय मृदा एवं भू उपयोग सर्वेक्षण (कृषि एवं सहकारिता विभाग) के मुख्यालय कार्यालय, नई दिल्ली में नियुक्त किया जाता है।

वै अपनी नियमित नियुक्ति की तारीख से दो वर्षों की अवधि के लिए परीक्षाधीन रहेंगी।

प्रशासनिक अधिकारी के पद पर उनका वेतन नियमों के अनुसार नियत किया जाएगा।

[सं. स्था. 12-1/रा. (ख)/74/3524/6]

एस. एन. दास, मुख्य मृदा सर्वेक्षण अधिकारी

ALL INDIA SOIL & LAND USE SURVEY

APPOINTMENT ORDER

New Delhi, the 7th June, 1993

S.O. 2590.—On the recommendation of the Departmental Promotion Committee Group 'B' post (Deptt. of Agri and Coopn.) and in continuation of the offer of appointment No. E.3-68/82-AIS/1186/7 dated 23-2-93 Smt. S. K. Lalitha, Office Superintendent, Bangalore Regional Centre is hereby appointed as Administrative Officer Group 'B' Gazetted in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 at Headquarters Office, New Delhi of the All India Soil and Land Use Survey (Department of Agri. & Coopn.) on officiating/temporary basis with effect from the forenoon of the 2nd April, 93 until further orders.

She will be on probation for a period of two years from the date of her regular appointment.

Her pay in the post of Administrative Officer will be fixed according to rules.

[No. E.12-1/C(B)/74/3524/6]

S. N. DAS, Chief Soil Survey Officer

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 11 नवम्बर, 1993

का. आ. 2591.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित केन्द्रीय

विद्यालयों को जिनमें 80 से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय विद्यालय,
एफ. सी. आई. रामगुण्डम,
जिला करीमनगर आन्ध्र प्रदेश।
2. केन्द्रीय विद्यालय,
टैगावैली (कामेंस)
अरुणाचल प्रदेश।
3. केन्द्रीय विद्यालय नं. 2
रक्षा विहार, मिनीवे,
प्रण्डमान एवं निकोबार
द्वीपसमूह।
4. केन्द्रीय विद्यालय,
डिभाज, जिला—कामरूप
असम।
5. केन्द्रीय विद्यालय,
धोलचेरा, कामार,
असम।
6. केन्द्रीय विद्यालय,
हनुगुडी, रेलवे कालोनी
तिनसुकिया, असम।
7. केन्द्रीय विद्यालय,
नगाव असम।
8. केन्द्रीय विद्यालय,
नीफको, उमराही,
एन. सी. हिस्स, असम।
9. केन्द्रीय विद्यालय नं. 2,
वास्को-डी-गामा
गोवा।
10. केन्द्रीय विद्यालय,
लेखापानी
जिला—तिनसुकिया,
असम।
11. केन्द्रीय विद्यालय,
कायुसेना शिविर,
सूर्यलका, हैदराबाद।
12. केन्द्रीय विद्यालय नं. 2
ई. एम. ई. परिसर
बडोदा,
महमदाबाद, गुजरात।
13. केन्द्रीय विद्यालय,
सैनिक क्षेत्र,
घागंका, गुजरात।

14. केन्द्रीय विद्यालय,
एस. पी. मार्ग,
गोल मार्केट,
नई दिल्ली।
15. केन्द्रीय विद्यालय
आर. के. पुरम, सेक्टर—8
नई दिल्ली।
16. केन्द्रीय विद्यालय
विकासपुरी,
नई दिल्ली।
17. केन्द्रीय विद्यालय नं. 2,
दिल्ली कैंट,
नई दिल्ली।
18. केन्द्रीय विद्यालय,
जी. सी. आर. कालोनी
कडकडू झूमा,
नई दिल्ली।
19. केन्द्रीय विद्यालय,
टैगोर गार्डन,
नई दिल्ली।

[सं. 11011-2/92-रा. भा. ए.]

ओ. पी. चावला, निदेशक (रा. भा.)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Education)

New Delhi, the 11th November, 1993

S.O. —In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Kendriya Vidyalayas under the Ministry of Human Resource Development (Department of Education) more than 80 per cent Staff of which has working knowledge of Hindi :—

1. Kendriya Vidyalaya,
F.C.I. Ramagundum,
Distt. Karim Nagar, (A.P.).
2. Kendriya Vidyalaya,
Taigavily (Karmain)
Arunachal Pradesh.
3. Kendriya Vidyalaya No. 2,
Raksha Vihar, Menway,
A & N Iceland.
4. Kendriya Vidyalaya,
Digau, Distt. Kamroop,
Assam.
5. Kendriya Vidyalaya,
Gholchera, Kaghar,
Assam.
6. Kendriya Vidyalaya,
Hizuguri, Rly. Colony,
Tinsukia (Assam).
7. Kendriya Vidyalaya,
Nagaon,
Assam.
8. Kendriya Vidyalaya,
Neepko, Umrajibau,
N.C. Hills (Assam).

9. Kendriya Vidyalaya,
Lekhapani,
Distt. Tinsukla,
Assam.
10. Kendriya Vidyalaya, No. 2,
Wasco-de-Gama, Goa.
11. Kendriya Vidyalaya,
Vayusena Shewir,
Suryalanka,
Hyderabad.
12. Kendriya Vidyalaya, No. 2,
E.M.E. Campa,
Broda, Ahmedabad,
Gujarat.
13. Kendriya Vidyalaya,
Melitri Area,
Ghargunka,
Gujarat.
14. Kendriya Vidyalaya,
S. P. Marg,
Gole Market,
New Delhi.
15. Kendriya Vidyalaya,
Sector 8, R. K. Puram,
New Delhi.
16. Kendriya Vidyalaya,
Vikaspuri,
New Delhi.
17. Kendriya Vidyalaya, No. 2,
Delhi Cantt.,
New Delhi.
18. Kendriya Vidyalaya,
G.C.R. Colony, Karkarduma,
New Delhi.
19. Kendriya Vidyalaya,
Tagore Garden,
New Delhi.

[No. 11011-2/92-O.L.U.]

O. P. CHAWLA, Director (O.L.U.)

नई दिल्ली, 11 नवम्बर, 1993

का. भा. 2592.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के निम्नलिखित स्वायत्त संगठनों को जिसमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्य सावक ज्ञान प्राप्त कर लिया है। अधिसूचित करती है:

1. केन्द्रीय तिब्बती विद्यालय प्रशासन,
यू. एस. ओ. हाऊस, द्वितीय तल,
6 स्पेशल इस्टीम्युशनल एरिया,
नई दिल्ली-110067
2. केन्द्रीय भारतीय भाषा संस्थान,
मानस गंगोत्री,
सेसूर-570006

[सं. 11011-2/92-रा. भा. एकक]

ओ. पी. चावला, निदेशक (राजभाषा)

New Delhi, the 11th November, 1993

शहरी विकास मंत्रालय

(मुद्रण निदेशालय)

नई दिल्ली, 17 नवम्बर, 1993

S.O. 2592.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules 1976, the Central Government hereby notifies the following autonomous organisation of the Ministry of Human Resource Development (Deptt. of Education) more than 80 per cent staff of which has acquired working knowledge of Hindi :—

1. Central Tibetan Schools Administration,
USO House, Hind Floor,
6, Special Institutional Area,
New Delhi-110067.

2. Central Institute of Indian Languages,
Manasagangothri,
Mysore-570006.

[No. 11011/2/92-O.L.U.]

O. P. CHAWLA, Director (O.L.)

का. शा. 2593.—भारत सरकार मुद्रणालय, रिंग रोड, नई दिल्ली के श्री जीवन दास, सुपुत्र श्री जॉन पूरन दास, संयोजक ग्रेड-II को दिनांक 2-4-93 के आदेश सं. सी-13012/6/92-विज./1-सी. के द्वारा सेवा से निकाल दिया गया है।

[सं. सी-13012/6/92-विज./197-V]

ई. आर. गड्कार, प्रबन्धक

MINISTRY OF URBAN DEVELOPMENT

(Directorate of Printing)

New Delhi, the 17th November, 1993

S.O. 2593.—Sri Jiwan Dass S/o Shri John Puran Dass, Compositor Grade II, Government of India Press, Ring Road, New Delhi stands removed from service vide Order No. C-13012/6/92-Vig/1-V, dated 2-4-93.

[No. C-13012/6/92-Vig/197-V]

E. R. GADKAR, Manager

पेट्रोलियम और रसायन मंत्रालय

नई दिल्ली, 17 नवम्बर, 1993

का. शा. 2594.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक भूत में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम—नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी ऑफ इण्डिया लिमिटेड द्वारा बिछायी जानी है;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न धिवरणी में निम्नलिखित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है;

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है;

वर्षा कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति संक्षम प्राधिकारी, गैस अथारिटी ऑफ इण्डिया लिमि., के. जी. बसोन प्रोजेक्ट, राजमंडी-533104, आन्ध्र प्रदेश में दर्ज करा सकता है;

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत करना चाहता है।

अनुसूची

नरसापुरम—नगरम

गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे न.	क्षेत्रफल (हेक्टे. एकड़ में)	प्रियरण
1	2	3	4	5	6
पूर्व गोदावरी	गलिकिपुरम	मट्टपुर्	36-1 भाग 6-4ए "	0-24-00 0-05-00	

1	2	3	4	5	6
			7-4 भाग	0-00-50	
			35-	0-25-75	
			34-1	0-01-25	
			21-2	0-19-75	
			22-1	0-07-50	
			22-2	0-06-75	
			22-3	0-01-00	
			24-2	0-09-25	
			24-3	0-20-00	
			25-2	0-01-25	
			23-1	0-01-00	
			28-	0-02-75	जी पी
			29-1	0-20-00	
			29-2	0-00-50	
			30-	0-03-25	जी पी
			69-1	0-01-00	
			69-2	0-11-00	
			69-3	0-00-50	
			69-4	0-03-25	
			69-5	0-11-75	
			69-7	0-00-50	
			70-1ऐ-	0-13-00	
			72 -	0-04-50	
			ए ई सी	1-95-00Ac OR Ac4-81cents	

[सं. एल-14016/10/93-जी.पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 17th November, 1993

S.O. 2594.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K. G. Basin Project, 12/76, Prakash Nagar, Rajahmundry-533 103, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Malikipuram	Matta Parru	36-1 pt.	0-24	
			6-4A part	0-05	
			7-4 part	0-00-50	
			35- part	0-25-75	
			34-1 part	0-1-25	

1	2	3	4	5	6
			21-2 part	0-19-75	
			22-1 part	0-07-50	
			22-2 part	0-06-75	
			22-3 part	0-01-00	
			24-2 part	0-09-25	
			24-3 part	0-20-00	
			25-2 part	0-01-25	
			23-1 part	0-01-00	
			28 part	0-02-75	GP
			29-1 part	0-20-00	
			29-2 part	0-00-50	
			30 part	0-03-25	GP
			69-1 part	0-01-00	
			69-2 part	0-11-00	
			69-3 part	0-00-50	
			69-4 part	0-03-25	
			69-5 part	0-11-75	
			69-7 part	0-00-50	
			70-1 A part	0-13-00	
			72 part	0-04-50	
			Hee	1-95-00 Ac	OR AC 4-81 Cents

[No. L-14015/10/93 GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. आ. 2595.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथागिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1952 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एनद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिनों के भीतर अधिसूक्त पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथागिटी आफ इण्डिया लिमि. के. जी. बेसोन प्रोजेक्ट, राजसूरी 533 103, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति का विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि ब्यवसायक के माध्यम से अपना मत करना चाहता है।

अनुसूची

नरसापुरम—नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	मर्वे न.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
पच्छिम गोदावरी	नरसापुरम	मादवायपासेम	62-	भाग	0-09-00
			63	"	0-22-00

1	2	3	4	5	6
			68-4	भाग	0-12-00
			2	"	0-13-00
			3	"	0-01-50
			72	"	0-23-50
			73-1	"	0-21-00
			77	"	0-30-00
			78	"	0-02-50
			हेक्टर	1-35 आर या	3-34

[सं. एल-14016/10/93-जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2595.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd. K. G. Basin Project, 29-7-13/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nagaram Gas Pipe Line Project

District	Mandol	Village	Surve Ns.	Area (In Hect/Acres)	Remarks
West Godavari	Narasapuram	Madhavai Palem	62 part	0-09-00	
			63 part	0-22-50	
			68-4 part	0-12-00	
			2 part	0-13-00	
			3 part	0-01-50	
			72 part	0-23-50	
			73-1 part	0-21-00	
			74 part	0-30-00	
			77 part		
			78 part	0-62-50	GP
			Hec	1-35-00 or Ac 3-34	

[No. L-14016/10/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

घा. आ. 2596.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी ऑफ इण्डिया लिमिटेड द्वारा बिछाया जाना है;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है;

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है;

वशात् कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम, प्राधिकारी गैस अथारिटी ऑफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, 12/76 प्रकाश नगर, राजामुंद्री-533103, आन्ध्र प्रदेश में दर्ज करा सकता है;

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप में अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है;

अनुसूची

नरसापुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे. एकड़ में)	विवरण
पश्चिम गोदावरी	नरसापुरम	गोंडि	122-3 भाग	0-02-50	
			122-4 ,,	0-06-50	
			123-1 ,,	0-17-00	
			124-1 ,,	0-06-50	
			124-2 ,,	0-15-50	
			125-1 ,,	0-14-50	
			136-3 ,,	0-02-50	
			136-4 ,,	0-02-50	
			136-5 ,,	0-05-00	
			136-6 ,,	0-08-50	
			136-14 ,,	0-03-00	
			136-15 ,,	0-03-00	
			136-16 ,,	0-07-00	
			136-17 ,,	0-00-50	
			136-18 ,,	0-00-50	
			136-19 ,,	0-08-50	
			131-5 ,,	0-05-50	
			134-6 ,,	0-08-50	
			134-7 ,,	0-03-50	
			138 ,,	0-17-50	
			74-2 ए ,,	0-01-00	
			139 ,,	0-12-00	

हेक्ट. 1-51 ए आर ई 3-75 सेटी.

[सं. एल.-14016/10/93-जी पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2596.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K. G. Basin Project, 24-7-11311, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
West Godavari	Narasapuram	Gondi	122-3 part	0-02-50	
			122-4 part	0-06-50	
			123-1 part	0-17-00	
			124-1 part	0-06-50	
			2 part	0-15-50	
			125-1 part	0-14-00	
			136-3 part	0-02-50	
			136-4 part	0-02-50	
			136-5 part	0-05-00	
			136-6 part	0-08-50	
			136-14 part	0-03-00	
			136-15 part	0-03-00	
			136-16 part	0-07-00	
			136-17 part	0-00-50	
			136-18 part	0-00-50	
			136-19 part	0-08-50	
			134-5 part	0-05-50	
			134-6 part	0-08-50	
			134-7 part	0-03-50	
			138- part	0-17-50	
			74-2 part	0-01-00	
			139-part	0-12-00	G.P.
				Hec 1-51 Arc Or 3-73 Cents	

[No. L-14016/10/93 GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. आ. 2597.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस वाहने के लिए नरसापुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत नरसापुरम गैस ग्रंथारिटी ऑफ इण्डिया लिमिटेड द्वारा विछाया जाना है ;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी से निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एनद्वारा उक्त पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ;

बशर्ते कि उक्त भूमि में अपनी खेती रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी जैसे ब्रयारिटी ऑफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमहली-533103, आन्ध्र प्रदेश में दर्ज करा सकता है;

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति का यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्याक्तिगत रूप से अथवा विश्व व्यवसायिक के माध्यम से आपत्ति मन प्रस्तुत करना चाहता है।

अनुसूची

नरसापुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	खेतीफल (हेक्टे. / एकड़ में)	विवरण
पूरुब गोदावरी	मनमझलि	वेमुगुवानि लंक	28	1 भाग	0-32-00
				2 "	0-02-50
				3 "	0-04-00
				4 "	0-03-50
				5 "	0-05-00
				6 "	0-06-00
			33	1 "	0-05-50
				2 "	0-23-50
				3ए	0-00-50
				3बी	0-03-00
			34	3 "	0-05-00
				4 "	0-06-00
			40	1 "	0-03-50
				2 "	0-02-50
				3 "	0-02-50
				4 "	0-01-75
				5 "	0-02-00
				6 "	0-03-50
				7 "	0-08-75
				8 "	0-03-00
				9 "	0-04-50
			41	1 "	0-08-00
				2 "	0-03-50
				3 "	0-03-50
				4 "	0-04-00
			42	1 "	0-03-00
				2 "	0-07-50
				3 "	0-07-50
			51	1 "	0-02-50
				2बी "	0-07-00
				2सी "	0-07-50
				3बी "	0-05-50
				5 "	0-06-00

1	2	3	4	5	6
पूर्व गोदावरी	यलमन्वलि	येनुगुवानि लंका	50-- 2 माग	0-07-50	
			3वीं ,,	0-03-25	
			3वीं ,,	0-11-75	
		49	"	0-07-00	
		48	"	0-02-75	
		74	12,,	0-06-50	
		73	1वीं ,,	0-66-50	
		63	6गे,,	0-00-50	
			8"	0-01-00	
		64	"	0-02-75	
		72	2मी ,,	0-01-00	
			2डी ,,	0-02-00	
			3मी ,,	0-00-50	
			3डी ,,	0-01-50	
			3ई ,,	0-01-00	
			3एक,,	0-00-50	
			3जी ,,	0-00-50	
			3जे ,,	0-04-00	
			3के,,	0-03-00	
			3कल,,	0-01-50	
			3कम,,	0-01-00	
			3कन,,	0-01-50	
			4 ,,	0-12-00	
		71	1 ,,	0-08-50	
			5 ,,	0-08-00	
		70	1 ,,	0-05-50	
			2 ,,	0-06-50	
			3 ,,	0-05-00	
		69	1 ,,	0-05-00	
			2ए ,,	0-04-50	
			2बी ,,	0-05-00	
			5 ,,	0-05-00	
			6 ,,	0-01-00	
		68	"	0-04-00	

हेक्टेयर 3-91-25 एकड़ या 1 एरी 9-68 सेन्टम

[सं० एल-14016/10/93 जी पी]

अर्धेन्द्र सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2597.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram Nagram pipeline is to be laid by the Gas Authority of India Ltd

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K. G. Basin Project, 29-7-11311, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner,

SCHEDULE

Narasapuram Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
West Godavari	Elamanchili	Y.V. Tanku	28 1 part	0-32-00	
			28 2 part	0-02-50	
			28 3 part	0-04-00	
			28 4 part	0-03-50	
			28 5 part	0-05-00	
			28 6 part	0-06-00	
			33 1 part	0-05-50	
			33 2 part	0-23-50	
			33 3 part	0-00-50	
			33 3B part	0-03-00	
			34 3 part	0-05-00	
			34 4 part	0-06-00	
			40 1 part	0-03-50	
			40 2 part	0-02-50	
			40 3 part	0-02-50	
			40 4 part	0-01-75	
			40 5 part	0-02-00	
			40 6 part	0-03-50	
			40 7 part	0-08-75	
			40 8 part	0-03-00	
			40 9 part	0-04-50	
			41—part	0-08-00	
			41 2 part	0-03-50	
			41 3 part	0-03-50	
			41 4 part	0-04-00	
			42 1 part	0-03-00	
			42 2 part	0-07-50	
			42 3 part	0-07-50	
			51 1 part	0-02-50	
			51 2B part	0-07-00	
			51-2C part	0-07-50	
			51-3B part	0-05-50	
			51-5 part	0-06-00	
			50-2 part	0-07-50	
			50-3B-part	0-03-75	
			50-3C part	0-11-75	
			49-part	0-07-00	
			48-part	0-02-75	
			74-12 part	0-06-50	
			73-1B part	0-54-50	
			63-6 part	0-00-50	
			63-8 part	0-01-00	
			64 part	0-02-75	
			72-2C part	0-01-00	
			72-2D part	0-02-00	
			72-3C part	0-00-50	
			72 3D part	0-01-50	
			72-3E part	0-01-00	

1	2	3	4	5	6
			72-3F part	0-00-50	
			72-3G part	0-00-50	
			72-3J part	0-04-00	
			72-3K part	0-03-50	
			72-3L part	0-01-50	
			72-3M part	0-01-00	
			72-3N part	0-01-50	
			72-4 part	0-12-00	
			71-1 part	0-08-50	
			71-5 part	0-08-00	
			70-1 part	0-05-50	
			2 part	0-06-50	
			3 part	0-05-00	
			69-1 part	0-05-00	
			2A part	0-04-50	
			2B part	0-05-00	
			5 part	0-05-00	
			6 part	0-01-00	
			68-part	0-04-00	

Hcc. 3-91-25A- OR Ac 9-68

[No. L-14016/10/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. आ. 2598.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी ऑफ इण्डिया लिमिटेड द्वारा बिछाया जाना है;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है;

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्र सरकार/एनडू द्वारा उम पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है;

बशर्ते कि उक्त भूमि में अपनी रूचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भारत भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी ऑफ इण्डिया लिमिटेड के जो० तृतीय प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंड़ी-533103, आंध्र प्रदेश में दर्ज करा सकता है;

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

नरसापुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे न.	क्षेत्रफल (हेक्टर / एकड़ में)	विवरण
1	2	3	4	5	
पूरुब गोदावरी	नरसापुरम	नवरसपुरम	110- 1 भाग	0-04-00	
			111-33	0-05-50	

1	2	3	4	5	6
पूरब गोदावरि	नरझापुरम	नवरसंपुरम	111-4 भाग	0-06-25	
			112-1 "	0-10-00	
			109-1 "	0-02-75	
			109-2 "	0-13-75	
			68-1 "	0-03-00	
			68-2 "	0-03-00	
			73-2 "	0-08-00	
			72-1 "	0-15-75	
			72-4 "	0-03-00	
			72-5 "	0-06-00	
			71-1 "	0-07-75	
			71-3 "	0-08-25	
			71-4 "	0-02-50	
			64-10 "	0-06-00	
			64-11 "	0-04-00	
			64-12 "	0-10-25	
			63-1 "	0-11-50	
			63-7 "	0-07-50	
			46-1 "	0-07-00	
			46-2 "	0-14-75	
			45-1 भाग	0-06-00	
			45-4 "	0-07-50	
			45-5 "	0-13-50	
			45-6 "	0-03-00	जी. पी.
			162-1 "	0-37-50	
			162-2 "	0-08-50	
			163-1 "	0-26-50	
			163-2 "	0-05-50	
			183-4 "	0-07-25	
			183-1 "	0-31-25	
			185-1 "	0-20-25	
			185-2 "	0-05-25	जी. पी.
			192-1 "	0-01-00	
			193-1 "	0-09-50	
			193-2 "	0-23-00	
			194-14 "	0-00-25	
			194-15 "	0-05-00	
			194-16 "	0-00-25	
			194-18 "	0-10-50	
			195-1 "	0-05-50	
			195-6 "	0-05-00	
			195-14 "	0-08-50	

1	2	3	4	5	6
पूरुब गोदावरी	नरसापुरम	नक्षत्रपुरम	195-17 माग	0-05-00	
			196-2 "	0-17-50	
			196-7 माग	0-04-50	
			196-8 "	0-05-00	
			196-12 "	0-00-50	
			197-1 "	0-08-50	
			197-7 "	0-07-00	
			197-9 "	0-08-50	
			197-10 "	0-09-50	
			205-2 "	0-03-00	जी. पी.
			206-1 "	0-02-00	
			206-2 "	0-05-50	
			206-3 "	0-07-50	
			206-4 "	0-08-00	
			206-6 "	0-21-50	
			202-5 "	0-10-50	
			228-1 "	0-02-00	जी. पी.
			228-2 "	0-32-50	
			229-2 "	0-05-00	जी. पी. ए. मेन्टी.
				1-46-00	3.61
				1-60-50	3.97
				2-63-00	6.50
			योग	5-69-50	14.08

[सं. एल-14016/10/93-जी पी

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2598.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd. K. G. Basin Project, 29-7-13/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/ Acres)	Remarks
1	2	3	4	5	6
West Godavari	Narasapuram	Nayarasapuram	110-1 part	0-04-00	G.P.
			111-3 part	0-05-50	
			111-4 part	0-06-25	
			112-1 part	00-1-00	
			109-1 part	0-02-75	
			109-2 part	0-13-75	
			68-1 part	0-03-00	
			68-2 part	0-03-00	
			73-2 part	0-08-00	
			72-1 part	0-15-75	
			72-4 part	0-03-00	
			72-5 part	0-06-00	
			71-1 part	0-07-75	
			71-3 part	0-08-25	
			71-4 part	0-02-50	
			64-10 part	0-06-00	
			64-11 part	0-04-00	
			64-12 part	0-10-25	
			63-1 part	0-11-50	
			63-7 part	0-07-50	
			46-1 part	0-07-00	
			46-2 part	0-14-75	
			45-1 part	0-6-00	
			45-4 part	0-07-50	
			45-5 part	0-13-50	
			45-6 part	0-03-00	
			162-1 part	0-37-50	
			162-2 part	0-08-50	
			163-1 part	0-26-50	
			163-2 part	0-05-50	
			183-4 part	0-07-5	
			183-1 part	0-31-5	
			185-1 part	0-20-5	
			185-2 part	0-05-75	
			192-1 part	0-01-00	
			193-1 part	0-09-50	
			193-2 part	0-23-50	
			194-14 part	0-00-75	
			194-15 part	0-05-00	
			194-16 part	0-00-25	
			194-18 part	0-10-50	
			195-1 part	0-05-50	
			195-6 part	0-05-00	
			195-14 part	0-08-50	
			195-17 part	0-05-00	
			196-2 part	0-17-50	

1	2	3	4	5	6
West Godavari	Narasapuram	Navarasapuram	196-7 part	0-04-50	
			196-8 part	0-05-00	
			196-12 part	0-05-50	
			197-1 part	0-08-50	
			197-7 part	0-07-00	
			197-9 part	0-08-50	
			197-10 part	0-09-50	
			205-2 part	0-03-00	
			206-1 part	0-02-00	G.P.
			206-1 part	0-05-50	
			206-3 part	0-07-50	
			206-4 part	0-08-00	
			206-6 part	0-21-50	
			202-5 part	0-10-50	
			228-1 part	0-02-00	
			228-2 part	0-32-50	G.P.
			229-2 part	0-05-00	G.P.
			Total	1-46-00	AC cets
					3-61
				1-60-50	3-97
				2-63-00	6-50
			Grand Total	5-69-50	14-08

[No. L-14016/10/93 G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. भा. 2599.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसपुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी ऑफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी ऑफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंड़ी-533103, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

नरसपुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे. एकड़ में)	विवरण
1	2	3	4	5	6
पुरब गोदावरी	यलमन्चिलि	चिन्विनाडा	165-1 भाग	0-05-00	
			" -2 "	0-01-00	

1	2	3	4	5	6
पूरख गोदावरी	यलमन्चिलि	चिन्विनाडा	165 -3 भाग	0-08-00	
			" -4 "	0-10-00	
			166-2 "	0-07-50	
			" -3 "	0-01-00	
			" -4 "	0-12-00	
			164-5 "	0-01-00	
			163-1 "	0-05-00	
			162-4 "	0-02-75	
			" -5 "	0-07-00	
			" -6 "	0-05-00	
			" -8 "	0-06-50	
			" -9 "	0-05-00	
			161-3 "	0-00-25	
			" -4 "	0-07-75	
			" -5 "	0-07-50	
			" -7 "	0-01-00	
			" -9 "	0-07-75	
			156-3 "	0-07-00	
			" -4 "	0-07-50	
				1-15-50	2-84
			187-1 भाग	0-02-00	
			" -5 "	0-01-00	
			" -7 "	0-06-50	
			177-2 "	0-05-00	
			" -5 "	0-22-25	
			178- "	0-05-50	
			179-3 "	0-16-00	
			180-1 "	0-04-00	
			" -2 "	0-02-00	
			" -3 "	0-01-00	
			" -4 "	0-07-50	
			" -5 "	0-10-00	
			224-1 "	0-03-00	
			" -2 "	0-28-00	
			225- "	0-63-25	
				1-77-00	4-49
				1-15-50	2-84
			जोडा	2-92-50	7-23

[सं. एन-14016/10/93-जी पी]

अर्थेन्दु सेन, निवेशक

New Delhi, the 17th November, 1993

S.O. 2599.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K. G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect./Acres)	Remarks
1	2	3	4	5	6
West Godavari	Elandlanchili	Chinchinada	165-1 part	0-05-00	
			165-2 part	0-01-00	
			165-3 part	0-08-00	
			165-4 part	0-10-00	
			166-2 part	0-07-50	
			166-3 part	0-01-00	
			166-4 part	0-12-00	
			164-5 part	0-01-00	
			163-1 part	0-05-00	
			162-4 part	0-02-75	
			162-5 part	0-07-00	
			162-6 part	0-05-00	
			162-8 part	0-06-50	
			162-9 part	0-05-00	
			161-3 part	0-00-25	
			161-4 part	0-07-75	
			161-5 part	0-07-50	
			161-7 part	0-01-00	
			161-9 part	0-07-75	
			156-3 part	0-07-00	
			156-4 part	0-07-50	
			187-1 part	0-02-00	
			187-5 part	0-01-00	
			187-7 part	0-06-50	
			177-2 part	0-05-00	
			177-5 part	0-22-25	
			178 Part	0-05-50	
			179 3 part	0-16-00	
			180-1 part	0-04-00	
			180-2 part	0-02-00	
			180-3 part	0-01-00	
			189-4 part	0-07-50	

1.	2.	3.	4.	5.	6.
			180-S part	0-10-00	
			224-1 part	0-03-00	
			224-2 part	0-28-00	
			225/part	0-63-25	
				1-77-00	4-39
				1-15-50	2-84
				2-92-50	7-23

[No. L 14016/10/93 G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2600.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने लिए नरसापुरमनगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथॉरिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है ;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ;

बशर्त कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति संक्षेप/प्राधिकारी गैस अथॉरिटी ऑफ इण्डिया लिमि. के.जी. बसीन प्रोजेक्ट, राजमंड्री-533 104, आन्ध्रप्रदेश में दर्ज करा सकता है ;

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा बिधि व्यवसायक के माध्यम से अपना मत करना चाहता है ।

अनुसूची

नरसापुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
पूरुब गोदावरी	राजोळू	चित्तनपल्लि	55 भाग	0-77-75	
			35 "	0-02-00	
			33 "	0-18-00	
			18 "	0-47-25	
			17-1 "	0-39-00	
			17-2 "	0-02-75	
			17-3 "	0-01-50	
			10 "	0-19-50	
			11 "	0-23-00	
			6 "	0-17-50	
			5 "	0-03-00	
			53 "	0-08-00	
				2-59-25	

[सं. एल-14016/10/94-जीपी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

S.O. 2600.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, it exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals pipelines (Acquisition of Right of users in the land) Act,

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K. G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey No.	Area (In Hect/Acres)	Remarks
East Godavari	Rozole	Chintalapalli	55/part	0-77-75	
			35/part	0-02-00	
			33/part	0-18-00	
			18/part	0-47-25	
			17/1 part	0-39-00	
			17/2 part	0-02-75	
			17/3 part	0-01-50	
			10/part	0-19-50	
			11/part	0-23-00	
			6/part	0-17-50	
			5/part	0-03-00	
			53 part	0-08-00	
				2-59-25	

[No. L-14016/10/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2601 :—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथॉरिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है ;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ;

यशर्त कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भारत भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इण्डिया लिमि., के.जी. बसीन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंड्री-533 103, आन्ध्र प्रदेश में दर्ज करा सकता है ;

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है ।

अनुसूची

नरसापुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
पूरब गोदावरी	नरसापुरम	चिनमाहिदपल्लि	84-भाग	0-08	
				हेक्टे. 0-08	

[सं. एल-14016/10/93-जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2601.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of users in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provide that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Tatipake—Kakinada Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect./Acres)	Remarks
West Godavari	Narasapuram	Chinamahidipalli	84 Part	0-08	
				0-08	or Ac 0.20 a.s.s.

[No. L-14016/10/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2602:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस ग्रॉरिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वशतें कि उक्त भूमि में अपनी रचि रखने वाला कोई भी व्यक्ति अधिसूचना को तारीख से 21 दिन के भीतर भूमिगत पाइप लाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इण्डिया लिमि., के.जी. बसिन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंद्री-533 104, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

नरसपुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
पूरुब गोदावरी	यलमंचिलि	कलगंपूडि	95-7 भाग	0-15-00	
			96- "	0-06-50	जी पी
				हेक्ट. 0-21-50 एरे अथवा एकड़ 0-50 सेंट	

[सं. एल-14016/10/93- जी पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2602.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K. G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram—Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres) Hec Are	Remarks
West Godavari	Elamanchili	Kalagampudi	95-7P	0-15-00	
			96P	0-06-50	G.P.
				Hec. 0-21-50 Are or Ac 0.53 Cent	

[No. L-14016/10/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2603 :—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसपुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथॉरिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है ;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ;

बशर्ते कि उक्त भूमि में अपनी रचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इण्डिया लिमि., के.जी. वसीन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंड़ी-533 104, आन्ध्र प्रदेश में दर्ज करा सकता है ;

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्विण्ट करना होगा कि यह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है ।

अनुसूची

नरसपुरम-नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल हेक्टे. एकड़ में)	विवरण
1	2	3	4	5	6
पूरुब गोदावरी	राजोल्	कडलि	43 भाग	0-28-00	
			42-भाग	0-19-00	
			45-1ए भाग	0-24-00	
			45-1 बी	0-02-00	
			45-1 सी	0-25-00	
			47-भाग	0-03-50	
			61-भाग	0-16-00	
			60-1 भाग	0-01-00	
			61-2 भाग	0-20-75	
			60-4 भाग	0-21-25	
			60-5 भाग	0-06-50	
			66-3 भाग	0-14-00	
			66-4भाग	0-08-50	
			66-6 भाग	0-04-50	
			68-भाग	0-04-50	
			69-1 भाग	0-14-00	
			69-2 भाग	0-11-50	
			73-भाग	0-02-50	
			78-1 भाग	0-24-00	
			78-2 भाग	0-19-00	
			84-1 भाग	0-01-00	
			84-2 भाग	0-07-00	

1	2	3	4	5	6
पूरख गोदावरि	राजोलू	कडलि	84-3 भाग	0-11-50	
			82-1 भाग	0-04-00	
			83-1 भाग	0-22-00	
			90-1 भाग	0-11-50	
			90-2 भाग	0-12-00	
			91-2 भाग	0-23-00	
			94-4 भाग	0-09-50	
			94-5 भाग	0-14-00	
			93-भाग	0-04-50	
			117-1 भाग	0-04-50	
			119-3 भाग	0-10-50	
			119-4 भाग	0-14-00	
			118-1 भाग	0-02-50	
			118-2 भाग	0-11-50	
			118-3 भाग	0-00-50	
			121-1 भाग	0-06-50	
			121-2 भाग	0-07-00	
			121-3 भाग	0-05-00	
			121-4 भाग	0-05-50	
			122-1 भाग	0-10-00	
			122-2 भाग	0-09-00	
			114-1 भाग	0-14-00	
			114-2 भाग	0-04-50	
			135-3 भाग	0-01-00	
			135-5 भाग	0-06-00	
			113-1 भाग	0-01-00	
			136-2 भाग	0-13-00	
			554-भाग	0-10-50	जी पी
			559-3 भाग	0-07-50	
			559-4 भाग	0-07-50	
			562-भाग	0-13-50	
			564-भाग	0-02-50	जी पी
			572-1 भाग	0-13-00	
			572-2 भाग	0-10-50	
			571-2 भाग	0-07-50	
			571-4 भाग	0-12-50	
			571-3 भाग	0-00-50	
			571-5 भाग	0-06-00	
			571-6 भाग	0-02-00	
			571-8 भाग	0-06-00	

1	2	3	4	5	6
पूरुब गोदावरि	राजोल्	कडलि	579-1 भाग	0-09-00	
			579-2 भाग	0-14-50	
			579-3 भाग	0-07-00	
			578-2 भाग	0-12-00	
			591-3 भाग	0-15-50	
			591-1 भाग	0-05-50	
			691-1 भाग	0-09-50	
			691-3 भाग	0-11-50	
			691-4 भाग	0-02-50	
			692-1 भाग	0-01-00	
			692-5 भाग	0-00-50	
			692-6 भाग	0-04-50	
			689-भाग	0-03-50	जी पी
			702-5 भाग	0-13-50	
			688-भाग	0-26-00	
			687-भाग	0-03-50	जीपी
			681-1भाग	0-05-00	
			2 भाग	0-01-50	
			682-1 भाग	0-03-50	
			2 भाग ग	0-23-50	
			3 भाग	0-03-00	
			683-भाग	0-019-50	
			717-9 भाग	0-00-50	
			678-भाग	0-01-00	जीपी
			725-2 भाग	0-10-00	
			726-भाग	0-15-50	
			730-भाग	0-11-50	
			729-5 भाग	0-03-00	
			6 भाग	0-03-50	
			7 भाग	0-12-00	
			8 भाग	0-09-50	
			9 भाग	0-07-50	
			740-1 भाग	0-03-50	
			739-1 भाग	0-06-50	
			2 भाग	0-10-50	
			3 भाग	0-14-00	
			4 भाग	0-01-00	
			743-भाग	0-03-00	
			466-1 भाग	0-20-00	
			6 भाग	0-14-50	
			463-भाग	0-03-00	जीपी
			462-4 भाग	0-08-00	
			455-1 भाग	0-19-00	
			457- भाग	0-27-50	

1	2	3	4	5	6
पूर्व गोदावरी—जारी	राजोलु—जारी	कडली—जारी	458-भाग	0-44-50	
			406-भाग	0-30-00	
			405-भाग	0-08-50	
			407-भाग	0-18-00	
			439-भाग	0-07-50	
			438-भाग	0-03-00	
			437-1 भाग	0-29-00	
			431-भाग	0-28-00	
			432-1 भाग	0-21-50	
			2 भाग	0-03-25	
			3 भाग	0-05-50	
			433-भाग	0-15-00	
			434-1वीं भाग	0-16-00	
			427-भाग	0-18-50	
			428-भाग	0-01-50	
			423-भाग	0-00-25	
			426-भाग	0-01-50	
			425-2 भाग	0-06-00	
			3-भाग	0-16-00	
			419-1 भाग	0-17-00	
			420-1 भाग	0-12-50	
			2-भाग	0-20-00	
			3-भाग	0-04-50	
			पेज नं.	एच आर.	एकड़ सैण्ट्स
			1	2-93-	7-25
			2	2-08-50	5-15
			3	2-10	5-19-1/2
			4	2-12	5-24
			5	3-39	8-39
			6	0-54	1-33
			कुल	3-16-50	और 32-55-1/2

[सं. एन-14016/10/93-जी पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2603.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of users in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

29-7-1/3/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd. K. G. Basin Project,

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
East Godavari	Razole	Kadali	43-Part	0-28-00	
			42-Part	0-19-00	
			45-1A part	0-24-00	
			45/1B part	0-02-00	
			45/1C part	0-25-00	
			47 part	0-03-50	
			61-part	0-16-00	
			60-1 part	0-01-00	
			60-2 part	0-20-75	
			60-4 part	0-21-25	
			60-5 part	0-06-50	
			66-3 part	0-14-00	
			66-4 part	0-08-50	
			66-6 part	0-04-50	
			68 part	0-04-50	
			69-1 part	0-14-00	
			69-2 part	0-11-50	
			73	0-02-50	
			78-1 part	0-24-00	
			78-2 part	0-19-00	
			84-1 part	0-01-00	
			84-2 part	0-07-00	
			84-3 part	0-11-50	
			82-1 part	0-04-00	
			83-1 part	0-22-00	
			90-1 part	0-11-50	
			90-2 part	0-12-00	
			91-2 part	0-23-00	
			94-4 part	0-09-50	
			94-5 part	0-14-00	
			93 part	0-04-50	
			117-1 part	0-04-50	
			119-3 part	0-10-50	
			119-4 part	0-14-00	
			118-1 part	0-02-50	
			118-2 part	0-11-50	
			118-3 part	0-00-50	
			121-1 part	0-06-50	
			121-2 part	0-07-00	
			121-3 part	0-05-00	
			121-4 part	0-05-50	
			122-1 part	0-10-00	
			122-2 part	0-09-00	

1	2	3	4	5	6
East Godavari	Razole	Kadali	114-1 part	0-14-00	
			114-2 part	0-04-50	
			135-3 part	0-01-00	
			135 5 part	0-06-00	
			113-1 part	0-01-00	
			136-2 part	0-13-00	
			554-part	0-10-50	GP
			559-3 part	0-07-50	
			559-4 part	0-07-50	
			562-part	0-13-50	
			564-part	0-02-50	GP
			572-1 part	0-13-00	
			572-2	0-10-50	
			571-2 part	0-07-50	
			571-4	0-12-50	
			571-3	0-00-50	
			571-5	0-06-00	
			571-6	0-02-00	
			571-8	0-06-00	
			579-1	0-09-00	
			579-2	0-14-50	
			579-3	0-07-00	
			578-2	0-12-00	
			591-3	0-15-50	
			591-1	0-05-50	
			691-1	0-09-50	
			691-3	0-11-50	
			691-4	0-02-50	
			692-1	0-01-00	
			692-5	0-00-50	
			692-6	0-04-50	
			689-part	0-03-50	GP
			702-5 part	0-13-50	
			688- part	0-26-50	
			687 part	0-03-50	
			681-1 part	0-05-00	
			681-2 part	0-01-50	
			682-1 part	0-03-50	
			682-2 part	0-23-50	
			682-3 part	0-03-00	
			683-part	0-19-50	
			717-9 part	0-00-50	
			678-part	0-01-00	
			725-2 part	0-10-00	
			726-part	0-15-50	
			730 part	0-11-50	
			729-5 part	0-03-00	
			729-6 part	0-03-50	
			792-7 part	0-12-00	

1	2	3	4	5	6
East Godavari (Contd.)	Razole	Kadali	729-8 part	0-09-50	
			729-9 part	0-07-50	
			740-1 part	0-03-50	
			739-1 part	0-06-50	
			739-2 part	0-10-50	
			739-3 part	0-14-00	
			739-4 part	0-01-00	
			743	0-03-00	
			466-1 pt	0-20-00	
			466-6 pt	0-14-50	
			463-pt	0-03-00	GP
			462-4 pt	0-08-00	
			455-1 pt	0-19-00	
			457-pt	0-27-50	
			458-pt	0-44-50	
			406-pt	0-03-00	
			405-pt	0-08-50	
			407 pt	0-18-00	
			439-pt	0-07-50	
			438 pt	0-03-00	
			437-1 pt	0-29-00	
			431-pt	0-28-53	
			432-1 pt	0-21-50	
			432-2 pt	0-03-25	
			432-3 pt	0-05-50	
			433-pt	0-15-00	
			434-pt	0-16-00	
			427-pt	0-18-50	
			428-pt	0-01-50	
			423-pt	0-00-25	
			426 pts	0-01-50	
			425- 2 pt	0-06-00	
			425-3 pt	0-16-00	
			419-1pt	0-17-00	
			420-1pt	0-12-50	
			420-2pt	0-20-00	
			420-3pt	0-04-50	

1	2	3	4	5	6
East Godavari	Razole	Kadali	Page No	H.A.	Acres—Cents
			1	2-93	7-25
			2	2-08-50	5-15
			3	2-10	5-19½
			4	2-12	5-24
			5	3-39	8-39
			6	0-54	1-33
				3-16-50 or	32-55½

[No. L-14016/10 /93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2604.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसपुरम—नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अर्थॉरिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न बिबरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

जहाँ कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अर्थॉरिटी आफ इण्डिया लिमि., के.जी. बसीन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंडी-533 103, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्विष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

नरसपुरम—नगरम गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरि	मलिकिपुरम	गुडिमेल्लन्क	51-भाग	0-07-00	
			65-4 भाग	0-27-00	
			65-5 भाग	0-02-00	
			65-6 भाग	0-04-00	
			66-भाग	0-07-00	
			73-2 भाग	0-22-50	
			72-1 भाग	0-16-50	
			72-3 भाग	0-02-00	
			72-4 भाग	0-17-00	

1	2	3	4	5	6
पूरब गोदावरी	मलिकिपुरम	गुडिमेल्लन्का	75-1 भाग	0-13-00	
			75-2 भाग	0-01-05	
			75-4 भाग	0-09-00	
			85-3 भाग	0-08-50	
			85-4 भाग	0-08-00	
			85-5 भाग	0-09-00	
			84-1 भाग	0-05-50	
			87-भाग	0-03-00	
			89-2 भाग	0-05-00	
			89-3 भाग	0-05-00	
			89-4 भाग	0-05-00	
			88-2 भाग	0-06-50	
			88-3 भाग	0-02-00	
			88-5 भाग	0-03-00	
			88-6 भाग	0-09-50	
			88-7 भाग	0-03-00	
			94 भाग	0-02-50	
			129-1 भाग	0-36-50	
			129-2 भाग	0-10-50	
			130-भाग	0-08-00	
			141-2 भाग	0-23-00	
			144- भाग	0-03-00	
			153-ए 3 भाग	0-00-50	
			153-ए 4 भाग	0-08-00	
			156-भाग	0-16-50	
			155-1 भाग	0-21-00	
			155-4ए भाग	0-02-50	
			155-4बी भाग	0-11-50	
			158-भाग	0-06-00	
			172-1 भाग	0-07-50	
			172-2 भाग	0-46-50	
			169-भाग	0-04-50	
			167-1 भाग	0-20-00	
			168-2 भाग	0-23-00	
			327-भाग	0-03-00	
			326-1 भाग	0-16-00	
			326-2 भाग	0-18-50	
			326-3 भाग	0-06-00	
			326-4 भाग	0-01-50	
			306-भाग	0-03-00	
			305-1 भाग	0-09-00	

1	2	3	4	5	6
पूरुब गोदावरी	मलिकिपुरम	गुडिहल्लन्का	297-5 भाग	0-06-00	
			297-6 भाग	0-02-00	
			297-7 भाग	0-06-50	
			297-8 भाग	0-21-00	
			297-10 भाग	0-01-00	
			299- भाग	0-20-00	
			301-2 भाग	0-20-00	
			302-1 भाग	0-02-50	
			276-भाग	0-01-00	
			273-भाग	0-01-00	
			274-2 भाग	0-19-50	
			274 2 ए भाग	0-12-00	
			272-1 भाग	0-03-50	
			272-5 भाग	0-15-00	
			266-भाग	0-03-00	
			264-भाग	0-19-50	

हेक्टे. 6-63-50 एकड़ 16.39 सेंट

[सं. एल-14016/10/93-जी.पी.]

अर्घोबु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2604.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd. K. G. Basin Project, 29-7-13/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Malikipuram	Gudihellanka	51 part	0-07-00	
			65-4 part	0-27-00	
			65-5 part	0-02-00	
			65-6 part	0-04-00	
			66 part	0-07-50	
			73-2 part	0-22-50	
			72-1 part	0-16-50	
			72-3 part	0-02-00	
			72-4 part	0-17-00	

1	2	3	4	5	6
East Godavari	Malikipuram	Gudimellanka	75-1 part	0-13-00	
			75-2 part	0-01-50	
			75-4 part	0-09-00	
			85-3 part	0-08-50	
			85-4 part	0-08-00	
			85-5 part	0-09-00	
			84-1 part	0-05-50	
			87 part	0-03-00	GP
			89-2 part	0-05-00	
			89-3 part	0-05-00	
			89-4 part	0-05-00	
			88-2 part	0-05-00	
			88-3 part	0-05-00	
			88-5 part	0-03-00	
			88-6 part	0-09-50	
			88-11 part	0-03-00	
			94 pt	0-02-50	GP
			129-1P	0-36-50	
			129-2 pt	0-10-50	
			130 pt	0-08-00	
			141-2 pt	0-23-00	
			144 pt	0-03-00	GP
			153-A3 pt	0-00-50	
			153-A/4pt	0-08-00	
			156 pt	0-16-50	
			155-1 pt	0-21-00	
			155-4 A pt	0-02-50	
			155-4B pt	0-11-50	
			158-pt	0-06-00	GP
			172-1 pt	0-07-50	
			172-2 pt	0-46-50	
			169	0-04-50	GP
			167-1 pt	0-20-00	
			168-2 pt	0-23-00	
			327 pt	0-03-00	GP
			326-1 pt	0-16-00	
			326-2 pt	0-18-50	
			326-3 pt	0-06-00	
			326-4 pt	0-01-50	
			306 pt	0-03-00	GP
			305-1 pt	0-09-00	
			297-5 pt	0-08-00	
			297-6 pt	0-02-00	
			297-7 pt	0-06-50	
			297-8 pt	0-21-00	
			297-10 pt	0-01-00	
			299 pt	0-20-00	
			301-2 pt	0-20-00	
			302-1 pt	0-02-50	

1	2	3	4	5	6
			276 pt	0-01-00	
			273 pt	0-01-00	
			274-1 pt	0-19-50	
			274-2A pt	0-12-00	
			272-1 pt	0-03-50	
			272-5 pt	0-15-00	
			266 pt	0-03-00	
			264 pt	0-19-50	
			Page 3	1-53-50	
			Page 2	3-08-00	
			Page 1	2-02-00	
			Hcc.	6-63-50 Or Ac. 16-29 Cent	

[No. L-14016/10/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2605.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसपुरम-नगरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथॉरिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वस्तुतः कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, राजमंड्री-533 10 आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत करना चाहता है।

अनुसूची

टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

नरसपुरम-नगरम

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे. एकड़ में)	विवरण
1	2	3	4	5	6
पीरपु गोदावरी	राजोलु	मिवाकोडु	308-2 भाग	0-02-25	
			309-1 भाग	0-17-00	
			309-2 भाग	0-15-00	
			309-3 भाग	0-03-00	
			311-2 भाग	0-34-75	

1	2	3	4	5	6
ईस्ट गोदावरी	राजोलु	सिवाकोटु	314-2 भाग	0-05-50	
			314-3 भाग	0-01-00	
			318-1 भाग	0-30-50	
			318-2 भाग	0-13-50	
			317-3 भाग	0-00-50	
			324-1 भाग	0-23-75	
			324-2 भाग	0-00-25	
			324-3 भाग	00-1-25	जी.पी.
			452-भाग	0-24-75	
			447 भाग	0-13-75	
			451-1 भाग	0-01-00	जी.पी.
			451-2 भाग	0-21-00	
			450-1-भाग	0-02-00	
			449-3 भाग	0-05-05	
			449-4 भाग	0-16-05	
			530-भाग	0-28-50	
			531-भाग	0-01-50	
			527-भाग	0-03-00	जी.पी.
			526-1 भाग	0-03-50	
			526-2 भाग	0-04-00	
			526-3 भाग	0-04-00	
			526-4 भाग	0-03-50	
			526-5 भाग	0-04-50	
			523-1 भाग	0-06-00	
			523-2 भाग	0-06-50	
			523-3 भाग	0-09-50	
			520-भाग	0-04-50	जी.पी.
			519-1 भाग	0-14-50	
			519-2 भाग	0-01-00	
			545-भाग	0-07-50	जी.पी.
			543-भाग	0-03-00	
			546-भाग	0-31-50	
			547-भाग	0-05-25	जी.पी.
			600-5 भाग	0-18-50	
			600-6 भाग	0-01-50	
			601-1 भाग	0-11-50	
			599-2 भाग	0-05-50	
			602-3 भाग	0-00-50	
			602-4 भाग	0-06-50	
			602-5 भाग	0-10-25	
			602-6 भाग	0-08-25	

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टर./एकड़ में)	विवरण
1	2	3	4	5	6
ईस्ट गोदावरी	रासीलु	सिवाकोटु	605-भाग	0-10-50	जी.पी.
			604-1 भाग	0-03-00	
			604-2 भाग	0-20-00	
			625-भाग	0-37-50	
			624-1 भाग	0-02-00	
			624-2 भाग	0-35-00	
			620-भाग	00-09-00	
			622-1 भाग	0-09-25	
			622-2 भाग	0-11-75	
			621-1 भाग	0-18-50	
			632-3 भाग	0-01-25	
			633-1 भाग	0-18-00	
			662-1 भाग	0-09-50	
			662-2 भाग	0-10-00	
			662-3 भाग	0-09-50	
			661-2 भाग	0-07-00	
			661-3 भाग	0-00-50	
			660-भाग	0-11-25	
			670-1 भाग	0-01-50	
			670-2 भाग	0-07-50	
			670-3 भाग	0-11-50	
			671-भाग	0-02-00	
			कुल	6-85-50	

[सं. एल-14016/10/93-जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2605.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of users in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K. G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner,

SCHEDULE

Narasapuram Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Rozole	Sivakodev	308-2 part	0-02-25	
			309-1 part	0-17-00	
			309-2 part	0-15-00	
			309-3 part	0-03-00	
			311-2 part	0-34-75	
			314-2 part	0-05-50	
			314-3 part	0-01-00	
			318-1 part	0-30-50	
			318-2 part	0-13-50	
			317-3 part	0-00-50	
			324-1 part	0-23-75	
			324-2 part	0-00-25	
			324-3 part	0-01-25	GP
			452-part	0-24-75	
			447-part	0-13-75	
			451-1 part	0-01-00	GP
			451-2 part	0-21-00	
			450-1 part	0-02-00	
			449-3 part	0-05-50	
			449-4 part	0-16-50	
			530-part	0-28-50	
			531-part	0-01-50	
			527 part	0-03-00	GP
			526/1 part	0-03-50	
			526/2 part	0-04-00	
			526/3 part	0-04-00	
			526-4 part	0-03-50	
			526-5 part	0-04-50	
			523-1 part	0-06-00	
			523-2 part	0-06-50	
			523-3 part	0-09-50	
			520/part	0-04-50	GP
			519-1 part	0-14-50	
			519-2 part	0-01-00	
			545-part	0-07-50	GP
			543-part	0-03-00	
			546-part	0-31-50	
			547/part	0-05-25	GP
			600-5 part	0-18-50	
			600-6 part	0-01-50	
			601-1 part	0-11-50	
			599-2 part	0-05-50	
			602-3 part	0-00-50	
			602-4 part	0-06-50	
			602-5 part	0-10-25	
			602-6 part	0-08-25	

(In Hect/Acre)					
1	2	3	4	5	6
East Godavari	Rozole	Sivakodu	605 part	0-10-50	
			604-1 part	0-03-00	GP
			604-2 part	0-20-00	
			625-part	0-37-50	
			624-1 part	0-02-00	GP
			624-2 part	0-35-00	
			620-part	0-09 00	
			622-1 part	0 09-25	
			622-2 part	0-11-75	
			621-1 part	0-18-50	
			632-3 part	0-01-25	
			633-1 part	0-18-00	
			662-1 part	0-09-50	
			662-2A/part	0-10-00	
			662-3 part	0-09-50	
			661-2 part	0-07-00	
			661-3 part	0-00-50	
			660-part	0-11-25	
			670-1 part	0-01-50	GP
			670-2 part	0-07-50	
			670-3 part	0-11-50	
			671 part	0-02-00	GP
			Total	6-85-50	

[No L-14016/10/93/GF]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का.आ.सं. 2606 जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम- वागरम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अर्थोरिटी आफ इण्डिया लिमिटेड द्वारा बिछायी जाती है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है,

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1952 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है,

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अर्थोरिटी आफ इण्डिया लिमि. के.जी. बसीम प्रोजेक्ट-12/76 प्रकाश नगर, राजमहली-533 103, आन्ध्र प्रदेश में दर्ज करा सकता है,

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

घनसूची
नरसापुरम-नगरम पाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्ट एकड़ में)	विवरण
1	2	3	4	5	6
पूरुब गोदावरी	महिष्ठिकुट्टु	नगरम	345-1 भाग	0-11-50	ज्यादा या कम
			345-3-ए भाग	0-11-50	"
			344-4 भाग	0-07-50	"
			344-3 भाग	0-05-00	"
			344-2 भाग	0-09-00	"
			344-1 भाग	0-05-00	"
			343-3-बी भाग	0-05-00	"
			343-3-ए भाग	0-02-50	"
			346-1-सी भाग	0-03-00	"
			346-1-बी भाग	0-09-00	"
			342- भाग	0-03-00	"
			340-1-सी भाग	0-02-00	"
			340-3 भाग	0-10-00	"
			340-2 भाग	0-04-50	"
			340-1-ए भाग	0-05-50	"
			335-1-ए भाग	0-03-50	"
			335-9 भाग	0-07-50	"
			335-5 भाग	0-05-00	"
			335-4 भाग	0-01-50	"
			335-1 बी भाग	0-03-00	"
			339-2-ए भाग	0-07-50	"
			339-3-ए भाग	0-03-50	"
			339-2 बी भाग	0-07-50	"
			107-4 भाग	0-16-00	"
			107-3 भाग	0-00-50	"
			106-5 भाग	0-05-00	"
			108-6 भाग	0-05-00	"
			108-7 भाग	0-03-00	"
			116-भाग	0-01-50	"
			114-2 बी भाग	0-00-50	"
			114-2-ए भाग	0-05-00	"
			114-3 भाग	0-05-50	"
			114-1-ए भाग	0-06-00	"
			114-1-बी भाग	0-18-50	"
			115-भाग	0-08-00	"
			112-10 भाग	0-14-50	"
			155-भाग	0-4-50	"
			157-1 भाग	0-03-50	"
			157-5 भाग	0-12-00	"

4	5	6
157-8 भाग	0-06-50	अधिक या कम
157-7 भाग	0-03-50	"
153-भाग	0-05-50	"
166-भाग	0-44-50	"
167-3 भाग	0-18-00	"
167-6 भाग	0-08-50	"
167-7 भाग	0-00-50	"
167-4 भाग	0-07-50	"
167-5 भाग	0-03-00	"
169-भाग	0-16-00	"
कुल	3-55-50 और	3-79 एकड़

[सं. 14016/10/93-जी पी]

अर्थोन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2606.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land escribed in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intension to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd. K. G. Basin Project, 29-7-13/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nadaram Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (in hectares)	Remarks
1	2	3	4	5	6
East Godavari	Mahidekuduru	Nagaram	345-1 Part	0-11-50	More or less
			345-3A Part	0-11-50	"
			344-4 Part	0-07-50	"
			344-3 Part	00-5-00	"
			344-2 part	009-00	"
			344-1 part	005-00	"
			343-36 part	005-00	"
			343-3 A part	002-50	"
			346-1/C part	003-00	"
			346-1/C part	009-00	"
			342-part	003-00	"
			340-1/C part	002-00	"
			340-3 part	010-00	"
			340-2 part	0-04-50	"
			340-1A part	0-05-50	"

1	2	3	4	5	6
East Godawari	Mehide Kuduru	Nagram	335-1A/part	0-03-50	More or Less
			335-9 part	0-07-50	"
			335-5 part	0-05-00	"
			335-4 part	0-01-50	"
			335-1B part	0-03-00	"
			339-2A part	0-07-50	"
			339-3A part	0-03-50	"
			339-2B part	0-07-50	"
			107-4 part	0-16-00	"
			107-3 part	0-00-50	"
			106-5 part	0-05-00	"
			108-6 part	0-05-00	"
			108-7 part	0-03-00	"
			116-part	0-01-50	"
			114-2B/part	0-05-50	"
			114-2A/part	0-05-00	"
			114-3 part	0-05-50	"
			114-1A part	0-06-00	"
			114-A1B part	0-18-50	"
			114-part	0-08-00	"
			112-10 part	0-14-50	"
			155/part	0-04-50	"
			157/1 part	0-03-50	"
			157-5 part	0-12-00	"
			157-8 part	0-06-50	"
			157-7 part	0-03-50	"
			153-part	0-05-50	"
			166-part	0-44-50	"
			167-3 part	0-18-00	"
			167-6 part	0-08-00	"
			167-7 part	0-00-50	"
			167-4 part	0-07-50	"
			167-5 part	0-03-00	"
			169/part	0-16-00	"
			Total	3-55-50	3-79

[No. L 14016/10/93-GP]
ARDHENDU SEN, Director

मई बिल्ली, 17 नवम्बर, 1993

का. आ. 2607.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरसापुरम-नगरम पाइपलाइन परियोजना के अन्तर्गत पाइप लाइन गैस अर्थोरेटी ग्राफ इण्डिया लिमिटेड द्वारा बिछाया जाना है,

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है,

अतः पेट्रोलियम एवं खनिज पाइपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उन पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी हवि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इण्डिया लिमि., के.जी. बसिन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंड्री-533 104, आन्ध्रप्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

नरसापुरम-नगरम गैस पाइपलाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे. / एकड़ में)	विवरण
पूरुब गोदावरी	ममिडिकुडुरु	गेद्दाड	144 भाग	0-07-00	
			145-1 भाग	0-56-50	
			149-भाग	0-22-00	
			150-3 भाग	0-12-00	
			150-4-ए भाग	0-09-00	
			150-4-बी भाग	0-08-50	
			151-2 भाग	0-14-00	
			153-1-बी भाग	0-02-00.	
			2-बी	0-01-50	
हेक्टे.				1-32-50 एकड़ या हे-3-28 सेट	

[सं. एल-14016/10/93-जी पी]

अर्घेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2607.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals pipelines (Acquisition of Right of users in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K G, Basin Project, 29-7-113/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Narasapuram-Nagaram Gas Pipe Line Project

District	Mandal	Village	Survey No.	Area (in Hect/acres)	Remarks
West Godawari	Mamidi Kuduru	Geddada	144-part	0-07-00	GP
			145-1 part	0-56-50	
			149-part	0-22-00	
			150-3 part	0-12-00	
			4A-part	0-09-00	
			4B-part	0-08-50	GP
			151-2 part	0-14-00	
			153-1B part	0-02-00	
			2B-part	0-01-50	
			Hec.		

नई दिल्ली, 17 नवम्बर, 1993

का. आ. 2608.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मन्डपेट—कोन्डालम्म चेरुवु (वेगयम्मपेट) पाईप लाईन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के ख ०३ के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी आफ इंडिया लिमि., के.जी. केसीन प्रोजेक्ट, 29-7-1/3/1 आपोजिट गौतमी लैंडब्रेरी, राजमंड़ी—533104 आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

गैस पाइप लाइन प्रोजेक्ट
मन्डपेट—कोन्डालम्म चेरुवु (वेगयम्मपेट)

ज न प व	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्ट./ एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोवावरी	रामचन्द्रापुरम	कूर्मपुरम	18-1 भाग	0-30-50	
			18-2 भाग	0-00-50	
			17-1 भाग	0-12-50	
			17-2-भाग	0-12-50	
			20-2 भाग	0-00-50	
			20-3 भाग	0-01-50	
			16-2 भाग	0-17-00	
			16-3 भाग	0-04-50	
			21-1 भाग	0-03-00	
			21-3 भाग	0-08-50	
			22-1 भाग	0-17-50	
			23-भाग	0-26-50	
			24-1 भाग	0-09-00	
			24-2 भाग	0-08-50	
			61-1 भाग	0-10-50	
			61-1 भाग	0-14-50	
			62-2 भाग	0-07-50	
			62-3 भाग	0-06-50	
			62-6 भाग	0-07-50	
			62-7 भाग	0-07-00	
				2-06-00	

पूरव गोदावरी	रामचन्द्रपुरम	कूर्मपुरम	63-1 भाग	0-02-00
			63-2 भाग	0-20-50
			65-2 भाग	0-09-00
			65-3 भाग	0-12-50
			66-2 भाग	0-21-00
			88-1 भाग	0-15-00
			89-भाग	0-02-50 जी.पी.
			120-1 भाग	0-00-50
			120-2 भाग	0-19-50
			121-1 भाग	0-18-00
			122-2 भाग	0-01-50
			122-3 भाग	0-02-00
			122-4 भाग	0-04-00
			122-5 भाग	0-09-50
			123-3 भाग	0-16-00
			124-1 भाग	0-14-50
			125-3 भाग	0-12-00
			142-1 भाग	0-22-50
			142-2 भाग	0-06-00
			143-भाग	0-03-00
कुल योग			4-17-50/ऐसी 10.32 सैन्ट्स	

[सं. एल - 14016/12/93 - जी पी]

अर्घेन्दु सैन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2608.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayammampeta) pipeline Narasapuram-Nagaram pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd. K. G. Basin Project, 29-7-1/3/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Mandapeta—Kondalamma Cheruvu (Vegayammampeta)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Ramachandrapuram	Kurmapuram	18-1 part	0-30-50	
			„ 2 „	0-00-50	
			17-1 part	0-12-50	
			„ 2 „	0-12-50	

1	2	3	4	5	6
East Godavari	Ramachandra- puram	Kurmapuram	20-2 Part	0-00-50	
			20-3 „	0-01-50	
			16-2 Part	0-17-00	
			16-3 „	0-04-50	
			21-1 Part	0-03-00	
			21-3 „	0-08-50	
			22-1 Part	0-17-50	
			23-Part	0-26-50	
			24-1 Part	0-09-00	
			24-2 „	0-08-50	
			61-1 Part	0-10-50	
			61-3 „	0-14-50	
			62-2 Part	0-07-50	
			62-3 „	0-06-50	
			62-6 „	0-07-50	
			62-7 „	0-07-00	
			63-1 Part	0-02-00	
			63-2 Part	0-20-50	
			65-2 Part	0-09-00	
			65-3 Part	0-12-50	
			66-2 Part	0-21-00	
			88-1 Part	0-15-00	
			89- Part	0-02-50	G.P.
			120-1 Part	0-00-50	G.P.
			120-2 Part	0-19-50	
			121-1 Part	0-18-00	
			122-2 Part	0-01-50	
			122-3 Part	0-02-00	
			122-4 Part	0-04-00	
			122-5 Part	0-09-50	
			123-3 Part	0-16-00	
			124-1 Part	0-14-50	
			125-3 Part	0-12-00	
			142-1 Part	0-22-50	
			142-2 Part	0-06-00	
			143-Part	0-03-00	G.P.
			Total	4-17-50	OR AC 10,32 Cents

[No. L-14016/12/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 12 नवम्बर, 1993

का. आ. 2609.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम-पदार्थ एवं प्राकृतिक गैस लाने के लिए मण्डपेट - कोनडालम्म - बंगलू पाइपलाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछायी जानी है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा को घोषणा करती है।

अर्थात् कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इंडिया लिमि., के. जी. बल्लभ प्रोजेक्ट, 29-7-1/3/1 राजमंजू 533104, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

गैस पाइप लाइन प्रोजेक्ट

मन्डपेट - कोन्डालम्म चम्बु (वेगयम्मपेट)

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरि	रामचन्द्रापुरम	वेगयम्मपेट	254-3 भाग	0-15-75	
			254-4 भाग	0-15-25	
			251-2 भाग	0-10-00	
			253-भाग (जीपी)	0-02-00	
			244-4 भाग	0-13-00	
			244-3 भाग	0-00-50	
			244-6 भाग	0-06-50	
			244-10 भाग	0-06-00	
			243-2 भाग	0-05-00	
			243-4 भाग	0-11-50	
			243-6 भाग	0-03-00	
			242-1 भाग	0-02-00	
			242-5 भाग	0-04-00	
			242-6 भाग	0-03-00	
			242-7 भाग	0-06-00	
			242-8 भाग	0-04-00	
			242-9 भाग	0-06-50	
			242-12 भाग	0-00-50	
			323-3 भाग	0-18-50	
			323-4 भाग	0-02-00	
			323-2 भाग	0-01-50	
			323-5 भाग	0-09-00	
			315-5 भाग	0-10-50	
			316-1 भाग	0-11-50	

1	2	3	4	5	6
पूरब गोदावरि	रामचन्द्रापुरम	वैगयम्मपेट	322-9 भाग	0-06-00	
			322-2 भाग	0-06-50	
			322-1 भाग	0-04-00	
			322-4 भाग	0-07-00	
			328- भाग	0-01-50	
			331-3 भाग	0-01-00	
			331-6 भाग	0-02-00	
			332-1 भाग	0-06-50	
			332-4 भाग	0-10-00	
			332-7 भाग	0-01-00	
			332-5 भाग	0-00-50	
			332-6 भाग	0-01-50	
			335-8 भाग	0-09-00	
			334-7 भाग	0-00-50	
			334-6 भाग	0-07-00	
			334-9 भाग	0-05-25	
			334-10 भाग	0-05-00	
			334-8 भाग	0-03-00	
			334-11 भाग	0-05-25	
			334-14 भाग	0-00-50	
			347-3 भाग	0-04-00	
			347-1 भाग	0-15-00	
			337-2 भाग	0-06-00	
			337-1 भाग	0-08-00	
			337-6 भाग	0-00-50	
			337-4 भाग	0-05-25	
			337-3 भाग	0-05-25	
			176-भाग (जी. पी.)	0-13-50	
			177-2 भाग	0-07-00	
			174-2 भाग	0-13-00	
			कुल योग	3-28-50	
			या		
				एसी 8.12 सैन्ट्स	

[सं. एल - 14016/12/93 - जी पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2609.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayammapeta) pipeline should to be laid by the Gas Authority of India Ltd.,

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum & Minerals

Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd KG Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE
GAS PIPE LINE PROJECT
Mandapeta-Kondalamma Cheruvu (Vegayammapeta)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Ramachandra- puram	Vegayammapeta	323-2 Part	0-01-50	
			323-5 Part	0-09-00	
			315-5 Part	0-10-50	
			316-1 Part	0-11-50	
			322-9 Part	0-06-00	
			322-2 Part	0-06-50	
			322-1 Part	0-04-00	
			322-4 Part	0-07-00	
			328 Part	0-01-50	
			331-3 Part	0-01-00	
			331-6 Part	0-02-00	
			332-1 Part	0-06-50	
			332-4 Part	0-10-00	
			332-7 Part	0-01-00	
			332-5 Part	0-00-50	
			332-6 Part	0-01-50	
			335-8 Part	0-09-00	
			334-7 Part	0-00-50	
			334-6 Part	0-07-00	
			334-9 Part	0-05-25	
			334-10 Part	0-05-00	
			334-8 Part	0-03-00	
			334-11 Part	0-05-25	
			334-14 Part	0-00-50	
			347-3 part	0-04-00	
			347-1 Part	0-15-00	
			254-3 Part	0-15-75	
			254-4 Part	0-15-25	
			251-2 Part	0-10-00	
			253 Part	0-02-00	
			(GP)		
			244-4 Part	0-13-00	
			244-3 Part	0-00-50	

1	2	3	4	5	6
East Godavari	Ramachandra-	Vegayammapeta	244-6 Part	0-06-50	
	puram		337-2 Part	0-06-00	
			244-10 Part	0-06-00	
			243-2 Part	0-05-00	
			243-4 Part	0-11-50	
			243-6 Part	0-03-00	
			242-1 Part	0-02-00	
			242-5 Part	0-04-00	
			242-6 Part	0-03-00	
			242-7 Part	0-06-00	
			242-8 Part	0-04-00	
			242-9 Part	0-06-50	
			242-12 Part	0-00-50	
			323-3 Part	0-18-50	
			323-4 Part	0-02-00	
			337-2 Part	0-06-00	
			337-1 Part	0-08-00	
			337-6 Part	0-00-50	
			337-4 Part	0-05-25	
			337-3 Part	0-05-25	
			176 Part	0-13-50	
			(G1)		
			177-2 Part	0-07-50	
			174-2 Part	0-15-00	
			Grand Total	3-28-50	
				Or	
				Acres 8-12 Cents	

[No. L-14016/12/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. आ. 2610.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मन्डपेट—कोन्डालम्म विद्यु पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लि० द्वारा विस्थापित किया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है,

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एन० द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी खनिज रखने वाला कोई भी व्यक्ति अधिलुचना की तारीख में 21 दिन के भीतर भूमिगत पाइप लाइन विधान के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमि. के. जी. वर्मीन प्रोजेक्ट, 29-7-1/3/1, राजमंडी - 533103, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

गैस पाइप लाइन प्रोजेक्ट

मण्डपेट - कोन्डालम्म चेन्बु (बेगयम्मपेट)

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टर एकड़ में)	विवरण
1	2	3	4	5	6
पूरुब गोदावरि	रामचन्द्रापुरम	बेन्कटारापालेम	28-2 भाग	0-19-50	
			29-3 भाग	0-06-50	
			29-2 भाग	0-06-00	
			29-4 भाग	0-07-00	
			29-6 भाग	0-05-00	
			32-1 भाग	0-08-00	
			27-5 भाग	0-05-50	
			26-2 भाग	0-24-50	
			25-भाग	0-38-00	
			18-1 भाग	0-02-00	जी पी
			18-2वीं भाग	0-15-50	
			18-2ए भाग	0-04-00	
			17-2 भाग	0-01-50	
			17-2 भाग	0-03-00	
			17-1-भाग	0-19-50	
			7-भाग	0-30-50	
			8-भाग	0-18-50	
			208-1 भाग	0-14-50	
			206-1 भाग	0-21-00	
			205-1 भाग	0-13-50	
			211-भाग	0-02-50	जी पी
			193-4 भाग	0-02-50	
			193-5 भाग	0-02-00	
			193-6 भाग	0-11-50	
			192-2 भाग	0-02-50	
			192-3 भाग	0-00-50	
			194-1 भाग	0-31-00	
			194-3 भाग	0-06-50	
			477-भाग	0-18-00	जी पी
			191वीं-1 भाग	0-05-50	
			190वीं-1 भाग	0-01-00	जीपी
			189ए- भाग	0-17-00	
			182-2 भाग	0-01-00	जीपी
			182-3 भाग	0-09-50	

1	2	3	4	5	6
बुरब गोदावरी	रामचन्द्रपुरम	बेन्कटायपानेम	182-4 भाग	0-00-50	
			179-2 भाग	0-05-00	
			179-4 भाग	0-03-00	
			179-5 भाग	0-04-50	
			179-6 भाग	0-05-00	
			180-1 भाग	0-01-00	जीपी
			180-2 भाग	0-03-00	जीपी
			341-1 भाग	0-04-50	
			341-2 भाग	0-08-00	
			341-4 भाग	0-08-50	
			342- भाग	0-18-00	
			340-4 भाग	0-13-00	
			343-1 भाग	0-01-00	
			338-2 भाग	0-09-00	
			338-3 भाग	0-15-50	
			317-भाग	0-03-50	
			312- भाग	0-34-00	
			311-3 भाग	0-00-25	
			311-5 भाग	0-02-00	
			311-9 भाग	0-02-75	
			311-10 भाग	0-01-00	
			311-7 भाग	0-01-00	
			311-8 भाग	0-08-00	
			310-1 भाग	0-09-00	
			306-2 भाग	0-08-00	
			307-1 भाग	0-08-00	
			304-2 भाग	0-03-50	
			304-5 भाग	0-20-50	
			304-8 भाग	0-04-50	
			कुल योग	5-80-00 या एसी 14.33	

[सं. एल - 14016/12/93 - जी पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2610.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayammampeta) (pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the petroleum & Minerals pipelines (Acquisition of Right of users in the land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, KG Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Gas Pipe Line Project

Mandapeta-Kondalamma Cheruvu (Vegayammampeta)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Ramchandra-puram	Venkatayapalem	28-2 part	0-19-50	
			29-3 Part	0-06-50	
			29-2 part	0-06-00	
			29-4 Part	0-07-00	
			29-6 Part	0-05-00	
			32-1 Part	0-08-00	
			27-5 Part	0-05-50	
			26-2 Part	0-24-50	
			25/Part	0-38-00	
			18-1 Part	0-02-00	G.P.
			18-2B Part	0-15-50	
			18-2A Part	0-04-50	
			17-2 Part	0-01-50	
			19-2 Part	0-03-00	
			19-1 Part	0-19-50	
			7-Part	0-30-50	
			8/Part	0-18-50	
			208-1 Part	0-14-50	
			206-1 Part	0-21-00	
			250-1 Part	0-13-50	G.P.
			211/Part	0-02-50	
				2-66-00	
			193-4 Part	0-02,50	
			193-4 Part	0-02-00	
			193-6 Part	0-11-50	
			19-2 Part	0-02-50	
			192-3 Part	0-00-50	
			194-1 Part	0-31-00	
			194-3 Part	0-06-50	
			194-3 Part	0-06-50	G.P.
			477-Part	0-18-00	
			191		
			B-1 Part	0-05-50	

1	2	2	4	5	6
			190		
East Godavari	Ramachandra-	Venkatayapalem	B-1 Part	0-01-00	G.P.
	puram		189-A Part	0-17-00	
			182-2 Part	0-01-00	G.P.
			182-3 Part	0-09-50	
			182-4 Part	0-00-50	
			179-2 Part	0-05-00	
			179-4 Part	0-03-00	
			179-5 Part	0-04-50	
			179-6 Part	0-05-00	
			180-1 Part	0-01-00	G.P.
			180-2 Part	0-03-00	G.P.
			341-1 Part	0-04-50	
			341-2 Part	0-08-00	
			341-4 Part	0-08-50	
				1-51-50	
			342-Part	0-18-00	
			340-4 Part	0-13-00	
			343-1 Part	0-01-00	
			338-2 Part	0-09-00	
			338-3 Part	0-15-50	
			317-Part	0-03-50	G.P.
			312-Part	0-34-00	
			311-3 Part	0-00-25	
			311-5 Part	0-02-00	
			311-9 Part	0-02-75	
			311-10 Part	0-01-00	
			311-7 Part	0-01-00	
			311-8 Part	00-8-00	
			310-1 Part	0-09-00	
			306-2 Part	0-08-00	
			307-1 Part	0-08-00	
			304-2 Part	0-03-50	
			304-5 Part	0-20-50	
			304-8 Part	0-04-50	
			Total	5-80-00	GP AV or 14-33

[No. L-14016/12/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. आ. 26110—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार हण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमि. के. जी. बेसिन प्रोजेक्ट, 29-7-1/3/1, राजमंडी - 533103, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

गैस पाइप लाइन प्रोजेक्ट

मण्डपेट - कोन्डालम्म चेरु (वेगयम्मपेट)

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्ट./ एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरी	रामचन्द्रपुरम	वेलम्पालेम	45-1 भाग	0-08-50	जीपी
			45-2ए भाग	0-07-50	
			45-2बी भाग	0-00-50	
			47-1 भाग	0-05-00	
			47-2 भाग	0-05-00	
			47-3 भाग	0-08-00	
			48-1ए भाग	0-01-00	
			48-1बी भाग	0-13-00	
			49-भाग	0-67-00	
			76-भाग	0-03-50	
			78-5 भाग	0-14-00	
			78-6 भाग	0-00-50	
			80-1 भाग	0-09-50	
			80-5 भाग	0-09-50	
			81-1 भाग	0-14-50	
			81-2 भाग	0-06-00	
			81-4 भाग	0-04-50	
			82-भाग	0-03-00	
			105-1 भाग	0-16-50	
			107-2 भाग	0-00-25	
			107-3 भाग	0-05-50	
			106-1 भाग	0-01-50	जीपी
			106-2 भाग	0-01-00	
			योग	2-05-75	
			108-भाग	0-04-50	जीपी
			109-3 भाग	0-00-50	जीपी
			109-4 भाग	0-07-50	
			111-भाग	0-43-00	
			606-भाग	0-49-00	

1	2	3	4	5	6
पूरब गोदावरी	रामचन्द्रपुरम	वेलम्पालेम	605-1 भाग	0-08-50	
			583-4 भाग	0-02-00	
			583-3 भाग	0-09-50	
			584-6 भाग	0-11-50	
			584-7 भाग	0-11-00	
			585-1 भाग	0-01-50	
			585-2 भाग	0-00-25	
			585-3 भाग	0-14-50	
			586-भाग	0-04-50	
			587-1 भाग	0-06-00	
			587-2 भाग	0-15-00	
			587-3 भाग	0-09-00	
			577-3 भाग	0-03-00	
			577-4 भाग	0-09-50	
			योग	2-10-25	
			1 पेज योग	2-05-75	
			कुल योग	4-16-00 या एसी	10.28 सैन्ट्स

[सं. एल - 14016/12/93 - जी पी]

अर्धेन्दु सैन, निदेशक

New Delhi, the 17th November, 1993

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, KG Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

S.O. 2611.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayammampeta) pipeline to be laid by the Gas Authority of India Ltd.,

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum & Minerals

SCHEDULE
Gas Pipe Line Project
Mandapeta-Kandalamma Cheruvu (Vejayammampeta)

Distriet	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
East Godavari	Ramachandra-puram	Velampalem	45-1 Part	0-08-50	
			45-2A Part	0-07-50	
			45-2B Part	0-00-50	
			47-1 Part	0-05-00	
			47-2 Part	0-05-50	
			47-3 Part	0-08-00	
			48-1A Part	0-01-00	
			48-1B Part	0-13-00	
			49-Part	0-67-00	
			76-Part	0-03-50	G.P.
			78-5 Part	0-14-00	

1	2	3	4	5	6
East Godavari	Ramachandra- puram	Velampalem	80-1 Part	0-09-50	
			80-5 Part	0-09-50	
			81-1 Part	0-14-50	
			81-2 Part	0-06-00	
			81-4 Part	0-04-50	
			82-Part	0-03-00	
			105-1 Part	0-16-50	
			107-2 Part	0-00-25	
			107-5 Part	0-05-50	
			106-1 Part	0-01-50	
			106-2 Part	0-01-00	G.P.
			Total	2-05-75	
			108-Part	0-04-50	G.P.
			109-3 Part	0-00-50	G.P.
			109-4 Part	0-07-50	
			111-Part	0-43-00	
			606-Part	0-49-00	
			605-1 Part	0-08-50	
			583-4 Part	0-02-00	
			583-3 Part	0-09-50	
			584-6 Part	0-11-50	
			584-7 Part	0-11-00	
			585-1 Part	0-01-50	
			585-2 Part	0-00-25	
			585-3 Part	0-14-50	
			586-Part	0-04-50	
			587-1 Part	0-06-00	
			587-2 Part	0-15-00	
			587-3 Part	0-09-00	
			577-3 Part	0-03-00	
			577-4 Part	0-09-50	
			Total	2-10-25	
			1 Page Total	2-05-75	
			Grand Total	4-16-00 or AC 10-28 Cents	

[No. L-14016/12/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का० आ० 2612.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मनडपेट-कोन्धानम्म चेन्नू नाडा पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्त कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भारत भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इंडिया लिमि० के० जी० बसीन प्रोजेक्ट, 29-7-1/3/1, राजमंड्री-533 104 आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची
गैस पाइप लाइन प्रोजेक्ट

मन्डमेट—कोण्डालम् चेरुवु (वेगप्रम्पनेई)

जनपद	तहसील	ग्राम	सर्वे नं०	क्षेत्रफल (हेक्टे एकड़ में)	विवरण
पूरुब गोदावरी	रायवरम	कुरकालपल्लि	17-2 ए भाग	0-07-50	जि० दि०
			17-2बी भाग	0-13-50	
			17-3 भाग	0-13-00	
			16-1 भाग	0-11-50	
			16-2 भाग	0-03-50	
			15-2 ए भाग	0-18-50	
			15-2 बी भाग	0-04-00	
			15-2 सी भाग	0-04-50	
			11-भाग	0-02-00	
			12-1-भाग	0-23-00	
			35-भाग	0-04-00	
			36-1-भाग	0-05-00	
			36-2- भाग	0-05-00	
			36-3 भाग	0-05-00	
			36-5ए भाग	0-00-50	
			36-5बी भाग	0-01-00	
			39-4 भाग	0-08-50	
			37-4 भाग	0-08-00	
			37-5 भाग	0-26-50	
			55-8 भाग	0-09-00	
			55-6 भाग	0-10-00	
			55-7 भाग	0-00-25	
			55-9ए भाग	0-04-50	
			55-9बी भाग	0-06-50	
			57-2सी भाग	0-02-00	
			57-2ई भाग	0-04-00	
			57-3 भाग	0-01-00	
			57-4 भाग	0-08-50	
			58-1 भाग	0-03-00	
			58-2 भाग	0-09-50	
			58-3 भाग	0-02-00	
			58-7ए भाग	0-02-00	
			58-7बी भाग	0-16-00	

1	2	3	4	5	6
पूरब गोदावरी	रायवरम	कुरकालपल्ली	70-5ए भाग 70-5बी भाग 70-5सी भाग 74-भाग 71-2बी भाग 72-भाग	0-05-50 0-08-00 0-17-50 0-05-50 0-14-00 0-05-00 जिपि	
				1-03-50 1-95-25	
				2-98-75	
				या ओ सी 37 सेंट	

[सं० एल 14016/12/93-जीपी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2612.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandepeta-Kondalamma Cherovu (Vegayammampeta) pipeline to be laid by the Gas Authority of India Ltd.,

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum & Minerals

Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. KG Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Gas Pipe Line Project

Mandapeta to Kondalamma Cheruvu (Vegayammampeta)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
East Godavari	Raya varam	Kurakalapalli	17-2A Part 17-2B Part 17-3 Part 16-1 Part 16-2 Part 15-2A Part 15-2B Part 15-2C Part 11-Part 12-1 Part 35-Part 36-1 Part 36-2 Part 36-3 Part 36-5A Part 36-5B Part 39-4B Part 37-4 Part 37-5B Part	0-07-50 0-13-50 0-13-00 0-11-50 0-03-50 0-18-50 0-04-00 0-04-50 0-02-00 0-23-00 0-04-00 0-05-00 0-05-50 0-05-00 0-00-50 0-01-00 0-08-50 0-08-00 0-26-50	G.P.

1	2	3	4	5	6
East Godavari	Rajavaram	Kurakalapalli	55-8 Part	0-09-00	
			55-6B Part	0-10-00	
			55-7C Part	0-00-25	
			55-9A	0-04-50	
			55-9B	0-06-50	
				1-95-25	
			57-2C Part	0-02-00	
			57-2E Part	0-04-00	
			57-3 Part	0-01-00	
			57-4 Part	0-08-50	
			58-1 Part	0-03-00	
			58-2 Part	0-09-50	
			58-3 Part	0-02-00	
			58-7A Part	0-02-00	
			58-7B Part	0-16-00	
			70-5A	0-05-50	
			70-5B	0-08-00	
			80-5C	0-17-50	
			74-Part	0-05-00	
			71-2B Part	0-14-00	
			72 Part	0-05-00	G.P.
				1-03-50	
			100 Page	1-95-25	
				Hec 2-98-75	OR AC 7-37-1/2 Cents

[No. L-14016/12/93GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का० आ० 2613 :—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मनडपेट-कोण्डालम्मा चेरु पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथॉरिटी आफ इण्डिया लिमिटेड द्वारा निष्ठाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इण्डिया लिमि०, के०जी० बेसिन प्रोजेक्ट, 29-7-1/3/1, राजमंडी-533 014, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने के समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से प्रथम बिधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मन्नापेट-कोनडालम्म चक (वेणयम्मापेट)

जनपद	तहसील	ग्राम	सर्वे नं०	क्षेत्रफल (हेक्टे/एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरी	कपिलेश्वरपुरम	कालेरु	175-भाग	0-27-50	जी पी
			194-भाग	0-06-00	
			176-1 भाग	0-07-50	
			176-2 भाग	0-06-50	
			176-3 भाग	0-06-50	
			176-5 भाग	0-10-00	
			182-3 भाग	0-18-50	
			183-1 भाग	0-23-00	
			188- भाग	0-26-00	
			254-1 भाग	0-11-50	
			254-3 भाग	0-05-50	
			258-2 भाग	0-24-00	
			259-1 भाग	0-10-00	
			259-2 भाग	0-11-50	
			259-3 भाग	0-02-00	
			260-भाग	0-11-50	
			261-2 भाग	0-11-50	
			261-3 भाग	0-11-00	
			262-1 भाग	0-01-00	जी पी " "
			262-2 भाग	0-03-50	
			269-भाग	0-19-50	
			270-6 भाग	0-09-00	
			270-7 भाग	0-13-50	
			274-1 भाग	0-11-00	
			274-2 भाग	0-10-50	
			हेक्टर	2-98-00	
			279-1-भाग	0-23-50	
			279-2 भाग	0-02-50	
			280-भाग	0-31-50	
			278-2 भाग	0-00-50	
			278-8 भाग	0-00-50	
			284-1 भाग	0-12-00	
			284-2 भाग	0-02-00	
			284-3 भाग	0-02-00	
			284-4 भाग	0-04-00	

1	2	3	4	5	6
पूर्व गोदावरी	कपिलेश्वर पुरम्	कालेरु	289-भाग	0-05-00	जी पी
			288-भाग	0-01-50	जी पी
			300-1 भाग	0-00-50	
			300-2 भाग	0-11-00	
			300-3 भाग	0-14-00	
			301-1 भाग	0-10-50	
			301-2 भाग	0-10-00	
			302-1 भाग	0-05-00	
			302-2 भाग	0-05-00	
			302-3 भाग	0-05-00	
			302-4 भाग	0-05-00	
			302-5 भाग	0-02-00	
			302-6 भाग	0-00-50	
			303-1 भाग	0-05-00	जी पी
			303-2 भाग	0-01-00	जी पी
				1-59-50 } 2-98-00 } या एकड़ 11-30	
			कुल	4-57-50	

[सं० एल-14016/12/93-जीपी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2613.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayamma-peta) pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104. Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Gas Pipe Line Project

Mandapeta to Kondalamm Cheruvu (Vegayamma peta)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
East Godavari	Kapileswara-puram	Kaleru	175-Part	0-27-50	
			194-Part	0-06-00	G.P.
			176-1 Part	0-07-50	
			176-2 Part	0-06-50	
			176-3 Part	0-06-50	
			176-5 Part	0-10-00	
			182-3 Part	0-18-50	
			183-1 Part	0-23-00	

1	2	3	4	5	6
East Godavari	Kapileswara- puram	Kaleru	188 Part	0-26-00	
			254-1 Part	0-11-50	
			254-3 Part	0-05-50	
			258-2 Part	0-24-00	
			259-1 Part	0-10-00	
			259-2 Part	0-11-50	
			259-3 Part	0-02-00	
			260-1 Part	0-11-50	
			261-2 Part	0-11-50	
			261-3 Part	0-11-00	
			262-1 Part	0-01-00	G.P.
			262-2 Part	0-03-50	G.P.
			269-Part	0-19-50	
			270-6 Part	0-09-00	
			270-7 Part	0-13-50	
			274-1 Part	0-11-50	
			274-2 Part	0-10-50	
			Hec.	2-98-00	
			279-1 Part	0-23-50	
			279-2 Part	0-02-50	
			280-Part	0-31-50	
			278-2 Part	0-00-50	
			278-8 Part	0-00-50	
			284-1 Part	0-12-00	
			284-2 Part	0-02-00	
			284-3 Part	0-02-00	
			284-4 Part	0-04-00	
			289-Part	0-05-00	G.P.
			288-Part	0-01-50	G.P.
			300-1 Part	0-00-50	
			300-2 Part	0-11-00	
			300-3 Part	0-14-00	
			301-1 Part	0-10-50	
			301-2 Part	0-10-00	
			302-1 Part	0-05-00	
			302-2 Part	0-05-00	
			302-3 Part	0-05-00	
			302-4 Part	0-05-00	
			302-5 Part	0-02-00	
			302-6 Part	0-00-50	
			303-1 Part	0-05-00	
			303-2 Part	0-01-00	
				1-59-50	
				2-98-00	
			Hec.	4-57-50	OR Ac 11-30 Cents.

नई दिल्ली, 17 नवम्बर, 1993

क्रा० आ० 2614 :—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मंडपेट—कोन्डालम्म चेरुवु (वेगयम्मपेट) पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ सम्बन्ध विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इण्डिया लिमि० के० जी० बसीन प्रोजेक्ट, 29-7-1/3/1, आपोजिट गोतमी ग्रन्थलयम, 12/76 प्रकाश नगर, राजमंड्री-533 104, छान्द्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि यह व्यक्तिगत रूप से अथवा विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

गैस पाइप लाइन प्रोजेक्ट

मंडपेट—कोन्डालम्म चेरुवु (वेगयम्मपेट)

जनपद	तहसील	ग्राम	सर्वे नं०	क्षेत्रफल (हेक्टर/ एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरी	कपिलेश्वरपुरम	नल्लूरु	73 भाग	0-17-00	जी० पी०
			72 भाग	0-13-50	
			71 भाग	00-19-00	
			69-1 भाग	0-13-50	
			69-3 भाग	0-07-50	
			69-5 भाग	0-10-00	
			67-4 भाग	0-01-00	
			67-5 भाग	0-03-50	
			68 भाग	0-02-00	
			65-5 भाग	0-12-00	
			65-6 भाग	0-09-50	
			64-1 भाग	0-07-50	
			64-3 भाग	0-07-00	
			64-4 भाग	0-06-00	
			64-6 भाग	0-06-50	
			86-2 भाग	0-03-00	
			87-1 भाग	0-15-50	
			87-5 भाग	0-03-00	
			88-3 भाग	0-07-00	
			88-4 भाग	0-09-00	
			88-5 भाग	0-10-00	
				1-83-00	

1	2	3	4	5	6
पूर्व गोदावरी	कपिलेश्वरपुरम्	नल्लू	90-1 भाग	0-02-50	
			89 भाग	0-02-50	जी०पी०
			118-2 भाग	0-10-50	
			118-3 भाग	0-09-50	
			118-4 भाग	0-12-50	
			117 भाग	0-14-00	
			109-1 भाग	0-01-50	
			109-2 भाग	0-11-00	
			111-2 भाग	0-08-00	
			111-3 भाग	0-03-50	
			111-4 भाग	0-13-50	
			112-2 भाग	0-05-50	
			112-4 भाग	0-11-50	
			114-1 भाग	0-13-00	
			114-3 भाग	0-10-50	
			114-4 भाग	0-01-00	जी०पी०
			113-2 भाग	0-00-50	
			113-3 भाग	0-01-00	जी०पी०
			160-2 भाग	0-08-00	
				1.40.00	
			161-भाग	0-12-00	जी०पी०
			175-1बी/1भाग	0-01-00	जी०पी०
			175-4 भाग	0-01-00	जी०पी०
			176-1ए भाग	0-00-50	जी०पी०
			176-1बी भाग	0-10-50	
			176-2 भाग	0-01-50	
			176-3 भाग	0-09-50	
			177-1 भाग	0-18-50	
			177-2 भाग	0-11-50	
			178-1 भाग	0-16-00	
			178-3 भाग	0-04-50	
			180-1 भाग	0-08-50	
			180-2 भाग	0-06-00	
			180-3 भाग	0-08-00	
			180-4 भाग	0-07-50	
			182-1 भाग	0-05-50	
			182-2 भाग	0-07-00	
			183 भाग	0-06-50	जी०पी०
			184-1ए भाग	0-02-00	जी०पी०
			184-1बी भाग	0-12-00	
			184-3 भाग	0-00-50	
			185 भाग	0-01-50	जी०पी०
			170-11 भाग	0-00-50	जी०पी०
			III शीट जोड़	1-52-00	
			IV शीट जोड़	1-83-00	
			V शीट जोड़	1-4-00	
			कुल जोड़	4-75-00	

[सं० एल-14016/12/93-जी०पी०]

ग्रहन्तु सेव, निदेशक

New Delhi, 17th November, 1993

S.O. 2614.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalanma Cheruvu (Vegayammapeta) pipeline is to be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd. KG Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Gas Pipe Line Project

Mandapeta Kondalanma Cheruvu (Vegayammapeta)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
East Godavari	Kapileswarapuram	Nalleru	73-Part	0-17-00	
			72-Part	0-13-50	
			71-Part	0-19-00	
			69-1 Part	0-13-50	
			69-3 Part	0-07-50	
			69-5 Part	0-10-00	
			67-4 Part	0-01-00	G.P.
			67-5 Part	0-03-50	
			68- Part	0-02-00	G.P.
			65-5 Part	0-12-00	
			65-6 Part	0-09-50	
			64-1 Part	0-07-50	
			64-3 Part	0-07-00	
			64-4 Part	0-06-00	
			64-6Part	0-06-50	
			86-2 Part	0-03-00	
			87-1 Part	0-15-50	
			87-5 Part	0-03-00	
			88-3 Part	0-07-00	
			88-4 Part	0-09-00	
			88-5 Part	0-10-00	
				1-83-00	
			90-1 Part	0-02-50	
			89-Part	0-02-50	G.P.
			118-2 Part	0-10-50	
			118-3 Part	0-09-50	
			118-4 Part	0-12-50	
			117-Part	0-14-00	
			109-1 Part	0-01-50	
			109-2 Part	0-11-00	
			111-2 Part	0-08-00	
			111-3 Part	0-03-50	
			111-4 Part	0-13-50	
			112-2 Part	0-05-50	

1	2	3	4	5	6
East Godawari	Kapileswara-	Nalleru	112-4 Part	0-11-50	
	puram		114-1 Part	0-13-00	
			114-3 Part	0-10-50	
			114-4 Part	0-01-00	G.P.
			113-2 Part	0-00-50	
			113-3 Part	0-01-00	G.P.
			160-2 Part	0-08-00	
				1-40-00	
			161-Part	0-12-00	G.P.
			175-1B Part	0-01-00	G.P.
			175-4 Part	0-01-00	G.P.
			176-1A Part	0-00-50	G.P.
			176-1B Part	0-10-50	
			176-2 Part	0-01-50	
			176-3 Part	0-09-50	
			177-1 Part	0-18-50	
			177-2 Part	0-11-50	
			178-1 Part	0-16-00	
			178-3 Part	0-04-50	
			180-1 Part	0-08-50	
			180-2 Part	0-06-00	
			180-3 Part	0-08-00	
			180-4 Part	0-07-50	
			182-1 Part	0-05-50	
			182-2 Part	0-07-00	
			183-Part	0-06-50	G.P.
			184-1A Part	0-02-00	G.P.
			184-1B Part	0-12-00	
			184-3 Part	0-00-50	
			185-Part	0-01-50	G.P.
			170-11 Part	0-00-50	G.P.
			III Sheet Total	1-52-00	
			I Sheet Total	1-83-00	
			II Sheet Total	1-40-00	
			Grand Total	4-75-00	

[No. I-14016/12/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

क्र.० आ० 2615.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मंडापेट-कोडालम्मा चेखु (येगयम्मपेट) पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्त कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इण्डिया लिमिटेड के० जी० नसीम प्रोजेक्ट, 29-1-3/1 आपोजिट गौतमी ग्रंथालय, राजमंड्री-533 104 आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि-व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मंडपेट—कोंडालम्मा चेरुवु (वेगयम्मपेट)

गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं	क्षेत्रफल (हेक्टे/ एकड़ में)	विवरण
पूरब गोदावरी	कपिलेश्वरपुरम	बेडुसमूडि	65-भाग	0-10-50	
			66-भाग	0-20-50	
			67-1 भाग	0-24-50	
			67-2 भाग	0-20-50	
			68-भाग	0-07-00	
			62-1 भाग	0-01-00	जी०पी०
			62-1 भाग	0-01-00	जी०पी०
			70-1 भाग	0-07-00	
			70-2 भाग	0-01-00	
			70-4 भाग	0-01-50	
			61-6 भाग	0-01-50	
			61-7 भाग	0-01-25	
			71-1 भाग	0-13-50	
			60-3 भाग	0-04-00	
			60-4 भाग	0-05-50	
			60-6 भाग	0-05-50	
			60-7 भाग	0-02-50	जी०पी०
			हे०	1-28-25 हे. या एकड़ 3-16½ से०	

[सं० एल 14016/12/93-जी० पी०]

अर्थेन्दु सेन, निदेशक

New Delhi, 17th November, 1993

S.O. 2615.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayammampeta) pipeline to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of Section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Mandapeta Kondalamma Cheruvu (Vegayammampeta)

Gas Pipe Line Project

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
East Godavari	Kapeleswara- puram	Veduru Mudi	65-Part	0-10-50	
			66-Part	0-20-50	
			67-1 Part	0-24-50	
			67-2 Part	0-20-50	
			68-Part	0-07-00	
			62-1 Part	0-01-00	G.P.
			62-2 Part	0-01-00	G.P.
			70-1 Part	0-07-00	
			70-2 Part	0-01-00	
			70-4 Part	0-01-50	
			61-6 Part	0-01-50	
			61-7 Part	0-01-25	
			71-1 Part	0-13-50	
			60-3 Part	0-04-00	
			60-4 Part	0-05-50	
			60-6 Part	0-05-50	
			60-7 Part	0-02-50	G.P.
			Heo	1-28-25 Cr Acres 3-16½ Cents	

[No. L-14016/12/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का०आ० 2616.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मण्डपेट-कोण्डालम्म चेरुवु (वेगयम्मपेट) पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन परियोजना के अंतर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार) ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ;

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इण्डिया लिमिटेड के जी. बसीन प्रोजेक्ट, 12/76, प्रकाश नगर, राजमंड्री-533 103, आन्ध्र प्रदेश में दर्ज करा सकता है ;

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मन्डपेट-कोन्डालम्मचेरुवु (वेगयम्मपेट)

टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं	क्षेत्रफल (हेक्टे एकड़ में)	विवरण
पूरुब गोदावरि	कपिलेश्वरपुरम	कालेरु	17-2 भाग	0-16-50	
			17-5 भाग	0-00-50	
			9-2 भाग	0-36-00	
			10-5 भाग	0-15-00	
			12-1 भाग	0-08-00	
			12-2 भाग	0-07-00	
			12-3 भाग	0-18-50	
			12-4 भाग	0-04-00	
			12-5 भाग	0-01-50	

1-07 हे० या एसी 2 65 सेंटी०

[सं० एल-14016/12/93-जीपी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2616.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayammapeta) pipeline to be laid by the Gas Authority of India Ltd.,

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum & Minerals

Pipelines (Acquisition of Right of user, in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K.G. Basin Project. 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Mandapeta-Kondalamma Cheruvu (Vogayammapeta Gas Pipe Line Project)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
East Godavari	Kapeleswara- puram	Angara	17-2 Part	0-16-50	
			17-5 Part	0-00-50	
			9-2P	0-36-00	
			10-5P	0-15-00	
			12-1 Part	0-08-00	
			12-2 Part	0-07-00	
			12-3 Part	0-18-50	
			12-4 Part	0-04-00	
			12-5 Part	0-01-50	
			Hec.	1-07-00 OR AC 2-65	

[No. L-14016/2/93-GP]

ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. आ. 2617.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मन्डपेट—कोन्डालम्स चेन्नू पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

अतः कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, 12/76 प्रकाश नगर, राजमंड़ी—533103, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विधेय रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसाय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मन्डपेट—कोन्डालम्स चेन्नू (वेगयम्पेट)

गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे. एकड़ में)	विवरण
1	2	3	4	5	6
पूरब गोदावरि	आलमूर	पित्तमल्ल	35-4 भाग	0-15-00	जी पी
			35-5 भाग	0-10-50	
			66-1 भाग	0-05-50	
			64-2 भाग	0-11-50	
			65-भाग	0-30-50	
			63-2 भाग	0-15-50	
			60-1 भाग	0-14-00	
			60-5 भाग	0-05-50	
			59-1 भाग	0-02-00	
			59-2 भाग	0-08-00	
			58-1 भाग	0-00-50	
			58-2 भाग	0-12-00	
			58-4 भाग	0-02-50	
			56-3 भाग	0-18-00	
			56-4 भाग	0-06-50	
			55-2 ए भाग	0-07-00	
			55-2बी भाग	0-03-50	
			55-2 सी भाग	0-11-00	
			53-1 ए भाग	0-07-50	
			53-1 बी भाग	0-03-00	
			53-2 भाग	0-08-00	
			53-3 भाग	0-11-50	
			50-1 ए भाग	0-05-50	

1	2	3	4	5	6
पूरुब गोदावरी	आलमूरु	पनमल्ल	50-1 बी भाग	0-03-50	
			50-3 ए भाग	0-07-50	
			50-3 बी भाग	0-09-00	
			50-4 भाग	0-14-50	
			50-5 भाग	0-03-00	
			जोड़	2-52-00 या ए 6-23 सेन्ट्स	

[सं. एल-14016/12/93-जी पी]
अधेन्दु सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2617.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Mandapeta-Kondalamma Cheruvu (Vegayammampeta) pipeline to be laid by the Gas Authority of India Ltd.,

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum and Minerals

Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd, KG Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajamundry-533104, Andhra Pradesh;

And every person making such an objection shall also State specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

MANDAPETA KONDALAMMA CHERUVU (VEGAYAMMAPETA) GAS PIPE LINE PROJECT

District	Mandal	Village	Survey Nos.	Area (In Hect./Acres)	Remarks
1	2	3	4	5	6
East Godavari	Ala Muru	Pina Palla	35-4 part	0-15-00	
			35-5 part	0-10-50	
			66-1 part	0-05-50	
			66-2 part	0-11-50	
			65- part	0-30-50	
			63-2 part	0-15-50	
			60-1 part	0-14-00	
			60-5 part	0-05-50	
			59-1 part	0-02-00	
			59-2 part	0-08-00	
			58-1 part	0-00-50	
			58-2 part	0-12-00	
			58-4 part	0-02-50	C.P.
			56-3 part	0-18-00	
			56-4 part	0-06-50	
			55-2 Apart	0-07-00	
			55-2 Bpart	0-03-50	
			55-2 Cpart	0-11-00	
			53-1 A part	0-07-50	
			53-1 B part	0-03-00	
			55-2 part	0-08-00	

1	2	3	4	5	6
East Godavari Alamuru Pina Palla			53-3 part 50-1 A part 50-1 B part 50-3 A part 50-3 B part 50-4 part 50-5 part	0-11-50 0-05-50 0-03-50 0-07-50 0-09-00 0-14-50 0-03-00	G.P.
Total				2-52-00 or A6-23C	

[No. L-14016/12/93-GP]
ARDHENDU SEN, Director

नई दिल्ली, 17 नवम्बर, 1993

का. शा. 2618 :—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए मन्डपेट कोन्डालम्मेचेरु (वेगयम्मेचेरु) पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करत हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इण्डिया लिमि. के. जी. बसीन प्रोजेक्ट, 29-7-1/3/1 आपोजिट गौतमी नैबरी, राजमुन्त्री—533104 आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मन्डपेट—कोन्डालम्मेचेरु (वेगयम्मेचेरु)

गैस पाइप लाइन प्रोजेक्ट नरसपुरम

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे. एकड़ में)	विवरण
1	2	3	4	5	6
पूर्व गोदावरी	अलमुरु	पेद्दपल्ल	26-1 भाग 30-1 भाग 30-2 सी भाग 27-1 भाग 27-2 ए1 भाग 27-2 बी भाग 28-1 भाग 28-2 ए भाग 28-2 बी भाग	0-07-50 0-03-00 0-03-00 0-00-50 0-13-50 0-10-00 0-10-50 0-03-50 0-01-00	जी पी

1	2	3	4	5	6
पूरुब गोदावरी	अल्लुगुरु	पेठपल्ल	28-3 भाग	0-06-50	
			28-4 भाग	0-01-00	
			37-1 बी भाग	0-01-00	
			37-2 भाग	0-03-50	
			37-3 ए भाग	00-07-00	
			37-4 भाग	00-07-00	
			37-5 ए भाग	0-07-00	
			38-भाग	0-04-00	
			56-भाग	0-24-00	
			55-भाग	0-14-50	
			54-1 भाग	0-07-50	
			54-2ए भाग	0-06-50	
			54-2 बी भाग	0-07-50	
			54-3 बी भाग	0-01-00	
			54-3 ए भाग	0-02-50	
			54-4 भाग	0-06-00	
			58-1 भाग	0-15-50	
			52-1 भाग	0-02-00	
			52-2 भाग	0-02-00	जी पी
				1-78-50	4.41

[सं. एन.-14016/12/93-जी पी]

अर्धेन्द्र सेन, निदेशक

New Delhi, the 17th November, 1993

S.O. 2618.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas through Mandepeta-Kondalamma Cheruvu (Vegayammampeta) pipeline is to be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by Sub-section (i) of the Section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K.G. Basin Project, 29-7-1/3/1, Opp. Gowthami Library, Rajahmundry-533104, Andhra Pradesh;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

MANDAPETA VEGAYAMONAPETA GAS PIPE LINE PROJECT
KONDALAMMACHERUVU

District	Mandal	Village	Survey Nos.	Area (In Hec /Acres)	Remarks
1	2	3	4	5	6
East Godavari	Aladuru	Peddapalla	26/1 part	0-07-50	
			30/1 part	0-03-00	G.P.
			30/2/C part	0-03-00	
			27/1 part	0-00-50	G.P.
			„ 2A1/part	0-13-90	
			11 2B/part	0-10-00	
			28-1 part	0-10-50	

1	2	3		
East Godavari	Aladuru	Peddapalla	28-2A part	0-03-50
			„-2B part	0-01-00
			„-3 part	0-06-50
			„-4 part	0-01-00
			37-1B part	0-01-00
			„-2 part	0-03-50
			„-3A part	0-07-00
			„-4 part	0-07-00
			„-5A part	0-07-00
			38-Part	0-04-00
			56/part	0-24-00
			55/part	0-14-50
			54/1 part	0-07-50
			„-2A part	0-06-50
			„-2B part	0-07-50
			„-3B part	0-01-00
			„-3A part	0-02-50
			„-4A part	0-06-00
			53-1 part	0-15-50
			52-1 part	0-02-00
			52-2-part	0-02-00
				G.P.
				1-78-50 or 4.41

[No. L-14016/12/93-GP]

ARDHENDU SEN, Director

श्रम मंत्रालय

नई दिल्ली, 4 नवम्बर, 1993

का. आ. 2619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. इ. सी. एल. के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[संख्या एन—22012/108/90 आईआर (सी II)]

राजा लाल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 4th November, 1993

S.O. 2619.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Tribunal Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 1-11-1993.

[No. L-22012/108/90-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No. 23 of 1991 (Central)

Bhubaneswar, the 27th September, 1993

BETWEEN

The management of Deulbera Colliery of South Eastern Coalfields Ltd., At/P.O. Talcher, Dist. Dhenkanal

...First party—management.

AND

Their workman Sri Suka Behera, Conveyor Khalasi represented through Orissa Coalfields Labour Union, At/P.O. Deulbera Colliery, Dist. Dhenkanal

...Second party—workman.

APPEARANCES :

Sri R. S. Sharma, Sr. Personnel Officer—For the 1st Party—management.

Sri P. C. Sahoo, President of the Union—For the 2nd party—workman.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short 'Act') have referred the following dispute for adjudication vide their Order No. L 22012/108/90-IR (C-II) dated 12-6-91 :—

"Whether the action of the management of Deulbera Colliery of S.F.C.L., At/P.O. Deulbera Colliery, Dist. Dhenkanal in retiring Sri Suka Behera, Conveyor Khalasi from service w.e.f. 16-7-88 is justified? If not, to what relief is the workman entitled to?"

2. Briefly stated the case of the workman is that the management of Deulbera Colliery having given him a false promise to provide job to his son retired him from service before his attaining the age of superannuation. To be more elaborate, the workman, an illiterate villager joined his

service as a piece-rated sand loader at the Sand Gathering Plant of Deulbera Colliery in 1955 and continued to work in such capacity till 1982 when he was absorbed in time-rated job as a Conveyor Khalasi in category-III. The retirement age for a Khalasi is 60 years. So, his date of birth being 16-7-1932, in normal course he should have been retired on 16-7-1992 but the management by giving a false promise to give a berth to his son in the management retired him on 16-7-1988 treating his date of birth to be 16-7-1928. It is specifically urged that his date of birth has been accepted by the management to be 16-7-1932 which finds mention in the identity card issued by the National Coal Development Corporation (for short 'N.C.D.C.'). It is therefore, prayed that the action of the management in retiring him with effect from 16-7-1988 be held illegal and unjustified.

3. The case of the management on the other hand is that the workman entered into service on 1-9-1969. After joining, his service records were opened wherein his date of birth was mentioned to be 16-7-1928. Accordingly, on his attaining the age of 60 years on 16-7-1988 he was superannuated from service. In the circumstances, the action of the management as aforesaid being legal and justified should not be interfered with.

4. In view of the pleadings of the parties, the one and the only question for determination is whether the date of birth the workman is 16-7-1932 or as urged by the management is 16-7-1928.

5. The workman in support of his case heavily relies on the identity card, Ext. A issued by Deulbera Colliery wherein his date of birth has been mentioned as 16-7-1932. At the earliest point of time he has disclosed about the existence of the said card in his statement of claims, the genuineness of which has not been controverted by the management. In course of hearing the management has also not challenged the correctness of the entries made therein. However, to justify its action by retiring the workman on 16-7-1988, it has brought in evidence the application of the workman seeking retirement, Ext. 1, the service excerpts, Exts. 2 and 3 and the Age Determination Committee's report, Ext. 5 wherein his date of birth finds mention to be 16-7-1928. MW-1, an employee of Deulbera Colliery would say in his evidence that on the information of the workman he filled-up all the columns of Ext. 1 including the date of birth. In this situation, the question arises whether the date of birth as mentioned therein can be treated as an admission of the workman. It need be mentioned here that the workman, a rustic villager has put his signature in oriya whereas the said application has been filled-up in English. Though according to MW-1 he mentioned the date of birth under Ext. 1 as supplied by the workman but it is difficult to place reliance on such evidence since because no illiterate and rustic villager like the present workman could be believed to have remembered his date of birth according to english calendar. On the contrary, the evidence of the workman as well as the attending circumstances suggest that the workman made the aforesaid application at the behest of the management with a hope that his son would be provided with a job. However, evidence is lacking as to if his son has been given employment or not but the fact remains that accepting his date of birth to be 16-7-1928 he was superannuated from service on 16-7-1988.

Next remains the two other documents, namely, Exts. 2 and 3, the service excerpts. Ext. 2 is dated 9-8-87 and in so far as Ext. 3 is concerned, it bears no date to indicate as to when it came into existence. As deposed to by MW-3, Ext. 3 is filled up in different pens and ball pens and in so far as correctness of the entries are concerned, he does not have any personal knowledge about it. Apart from this, the genuineness of these two documents, Exts. 2 and 3 is very much doubted, the reason being that if those were available with the management then there was no reason whatsoever to constitute an Age Determination Committee to determine the date of birth of the workman. As deposed to by MW-3, after such committee was constituted the workman appeared before that Committee and on external examination the concerned doctor determined his age. Ext. 5, xerox copy of the report of the Age Determination Committee bears the signature of the Medical Superintendent, Regional Hospital, Ib Valley Area and two of the officials of the management wherein the date of birth of the workman has been

mentioned as 16-7-1928. Neither the doctor has been examined nor the mode of examination except what has been stated by MW-3 has been brought in evidence. In this view of the matter, I am persuaded to hold that only after the Age Determination Committee opined the date of birth of the workman as stated above, the service excerpts, Exts. 2 and 3 were brought into existence. On the other hand, the identity card, Ext. A, the genuineness of which has not been challenged by the management, is sufficient enough to conclude that the workman was born on 16-7-1932.

6. On an evaluation of the evidence, as discussed above, I would unhesitatingly hold that the date of birth of the workman being 16-7-1932 he on his attaining the age of superannuation should have been retired on 16-7-1992. Instead, he was retired earlier and therefore, he should be deemed to have continued in service till the aforesaid date i.e. 16-7-1992. As the date of retirement is already over, the management is directed to make payment of all his wages till that period within a period of three months from the date of publication of the Award.

7. The reference is thus answered accordingly.

Dictated and corrected by me.

Dated : 27-9-1993

R. K. DASH, Presiding Officer

नई दिल्ली, 4 नवम्बर, 1993

का. आ. 2620.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बेनाली (आर) कोलरी ग्राफ मैसर्स ई. सी. लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[संख्या एन—22012/21/93 आई आर (सी II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th November, 1993

S.O. 2620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Benalee (R) Collieries M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 1-11-1993.

[No. L-22012/21/93-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 20/93

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Benalee (R) Colliery of E.C. Ltd.

AND

Their Workman.

APPPEARANCES :

For the Employers—Shri P. Banerjee, Advocate.

For the Workman—None.

INDUSTRY : Coal

STATE : West Bengal

ANNEXURE

Dated, the 20th October, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/21/93 IR (C-II) dated 12-5-1993.

SCHEDULE

"Whether the action of the management of Benalee (R) Colliery of M/s. E.C. Ltd., in denying correction in date of birth of Shri Budhiram Yadav, Security Guard, in the Company's record was legal and justified? If not, to what relief the workman is entitled to?"

2. Today (20-10-93) Shri P. Banerjee, the learned Advocate for the management is present. None appears for the union. Sri Bijoy Kumar the Id. Advocate for the union has already put endorsement on 12-7-93 that he has no instruction to proceed with the case.

3. The present Reference was received by this Tribunal on 18-5-93. Thereafter regd. notice was sent to the union. The Ministry has also sent copy of the Reference to the union. In spite of that the union has not taken any step. So it appears to me that the union is no longer interested to proceed with the case.

4. In the circumstances I have no other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2621.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल बैंक ऑफ इन्डिया के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[संख्या एल—12012/269/91—आई आर (बी-2)]

हरीश गौड़, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2621.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-12012/269/91-IR (B II)]

HARISH CHAND GOUR, Desk Officer

2663 GI/93—12.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-12 of 1992

PARTIES :

Employers in relation to the management of Central Bank of India,

AND

Their Workmen.

APPEARANCES :

For the Management—Shri Uttam, Advocate.

For the Workmen—No appearance.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, the 25th October, 1993

AWARD

The following reference has been made to this Tribunal by Government of India, Ministry of Labour, New Delhi :

"Whether the action of the management of Central Bank of India in terminating the services of Shri Hiralal Walmiki is justified? If not, to what relief is the workman entitled to?"

2. The reference was received in this Office on 3rd March 1992. The service effected on Shri Hiralal, on address of the union and there was no appearance on behalf of the workman. The matter was adjourned and ultimately fresh notice was directed to be issued. The same was served on the address of the union and yet there was no appearance on behalf of the workman. No statement of claim has been so far filed. In the circumstances, it appears that the workman is not interested in pursuing the reference nor is the workman interested in any adjudication. In the circumstances the reference is disposed off and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2622.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिंडीकेट बैंक के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलाम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[संख्या एल—12012/126/91—आई आर (बी-2)]

हरीश गौड़, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kollam as shown in the Annexure in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-12012/126/91-IR (B-II)]

HARISH CHAND GAUR, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated. this the 29th day of October, 1993)

PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal,
IN

Industrial Dispute No. 39/91

BETWEEN

The Chairman, and Managing Director, Syndicate Bank,
Head Office, P.B. No. 1, Manipal-576119.

(By Sri R. S. Kalkura, Advocate, Trivandrum)

AND

The Secretary, Syndicate Bank Employees Union, C/o
Syndicate Bank, Statute Branch, Trivandrum-695001.

(By Sri R. Lakshmana Iyer, Advocate, Trivandrum)

AWARD

The Government of India as per Order No. L-12012/126/91-IR (B-ID) dated 5-8-1991 has referred this industrial dispute for adjudication to this Tribunal.

The issue for adjudication is the following :

"Whether the action of the management of Syndicate Bank in imposing the punishment of stoppage of two increments for the years 1989 and 1990 with cumulative effect on Sri P. Ravikumar, Clerk is justified? If not, to what relief is the concerned workman entitled?"

2. The Secretary of the employees union representing the workman Sri Ravikumar has filed a detailed claim statement and the contentions are briefly as under :

The workman entered service of the management Bank on 15-1-1979 and has been working in different branches of the Bank. While he was working in the Panavoor branch of the bank the management sanctioned an amount of Rs. 72,000 to him as housing loan by order dated 11-9-1984. The workman on 13-9-1984 drew an amount of Rs. 21,600. Thereafter by letter dated 8-1-1985 the branch manager called for explanation from the workman alleging that on site inspection it was observed that absolutely no work had been done. The workman submitted explanation and he was asked to furnish certain clarifications. He has furnished the clarification as per letter dated 6-2-1985 and nothing was heard for a period of one year. Subsequently by letter dated 4/12-2-1986 management levelled some baseless allegations against the workman and called for his explanations. He had submitted the explanation denying all these allegations. Thereafter the management framed the charge of gross misconduct of doing an act prejudicial to the interest of the bank against him. Though he had denied the charges by submitting explanation, the management has ordered an enquiry. The enquiry was conducted without complying with the rules of natural justice causing serious prejudice to the workman. The charge against him was not proved in the enquiry on the basis of reliable and admissible evidence. However the enquiry officer found the workman guilty of the charges. The workman attended for the hearing fixed by the management regarding punishment. But the management without considering the explanation of the workman punished him imposing the penalty of barring his two increments with cumulative effect. The appeal filed by the workman was rejected by general manager. According to the workman the punishment is illegal, unsustainable and arbitrary. In the enquiry the management was represented by the law officer of the bank. The request of the workman to be defended by a legally trained person was refused by the enquiry officer. Much prejudice was caused to him and it amounts to denying an opportunity to put

forward his case. He was not given reasonable opportunity to cross examine the management witness and his request to produce some documents by the management in the enquiry was also not heeded to. This also caused much prejudice to him and also amount to denying reasonable opportunity. The enquiry was closed abruptly and the workman was not given opportunity to lead defence evidence. The enquiry officer was totally biased and the enquiry conducted was totally vitiated. The further case of the workman is that he had not caused any loss to the bank and that the management has not considered his previous unblemished service before the punishment. The prayer is for cancelling the punishment.

3. The contentions of management as per the reply statement are briefly as under :

This industrial dispute is not maintainable. The management has held a full fledged domestic enquiry in respect of the charges levelled against the workman. A valid and proper domestic enquiry was held strictly adhering to the principles of natural justice, equity and good conscience. The workman was given sufficient opportunity to adduce evidence and he was allowed to be represented in the enquiry. There was no violation of the principles of natural justice. After withdrawing a sum of Rs. 21,600 towards housing loan the workman failed to start construction of the house till 6-1-1985. As such the money withdrawn by him was not used for the construction of the house. The Panavoor branch manager visited the site on 6-1-1985 and informed that absolutely no construction work was carried out. The workman failed to give any satisfactory reasons for the same. The technical officer of the bank also visited the site on 4-5-1985 and reported that no construction has been held out. Therefore the bank charge sheeted the workman. Since the explanation was not satisfactory, the domestic enquiry was ordered. The enquiry officer found the workman guilty of misconduct. The findings of the enquiry officer is supported by reliable evidence. The enquiry officer judicially arrived at the conclusion after fully analysing the evidence. The punishment was imposed after considering the evidence and other circumstances and submissions made by the workman. The findings of the enquiry officer are proper, valid and there is no irregularity. The workman attended the first sitting of the enquiry duly assisted by the joint secretary of the union. There was no request from the workman or his representative to permit him to engage an Advocate. The present allegation is only an afterthought. He had participated in the enquiry duly defended by his representative and never raised any objection regarding the qualification of management representative. The workman was given sufficient opportunity to cross-examine management witness. The request of the workman for producing certain documents without justifying the relevancy of the same to the charges was on a false pretext during the cross-examination of the management witness. When the request of the workman was turned down he boycotted the enquiry with his representative and did not lead their evidence. The enquiry was not closed abruptly. When the enquiry officer failed to persuade the defence for participation in the enquiry on 29-7-1988 he had no other alternative but to conclude the enquiry. The defence failed to utilise the opportunity afforded to them. The disciplinary authority fully applied his mind and imposed punishment. The charge against the workman was fully proved in the enquiry. The workman had misutilised the funds of the bank sanctioned to him. The acts of the workman are definitely prejudicial to the interest of the bank and clause 19(5)(j) of the bipartite settlement is fully applicable in this case.

4. The evidence consists of both oral and documentary. The enquiry file containing the enquiry proceedings, report of the enquiry officer, statement of witness and other documents have been marked as Ext. M1 without examining the enquiry officer as consented to by the counsel for the

workman. The documents in the enquiry file have been separately marked as Exts. M1-A to M1-H. The Bipartite settlement on the industrial disputes between certain banking companies and their workmen dated 19-10-1966 has also been marked as Ext. M2 on the side of the management. The workman examined himself as WW1 and Exts. W1 and W2 have also marked on his side.

5. The validity of the domestic enquiry was seriously challenged by the union. Therefore I shall proceed to consider that point first. The learned counsel for the workman vehemently contend that the enquiry was conducted in violation of the rules of natural justice and that the workman was not afforded opportunity to defend his charges. According to the learned counsel the request of the workman for permission to engage a lawyer to defend his case since the management was represented by a legally trained person was refused by the enquiry officer. This amounts to denial of reasonable opportunity. It is true that the management was represented by the law officer of management. But there is nothing on record to show that the workman has applied for permission to engage an Advocate for him. It is evident from Ext. M1 enquiry file that on the first sitting of the enquiry the workman appeared along with his union representative and thereafter also during the enquiry the workman was represented by the union representative as permitted by the enquiry officer. The workman as WW1 has admitted that he and his representative had signed the day to day proceedings in the enquiry after reading and fully understanding the proceedings. He and his representative had not raised any objection in the proceedings recorded by the enquiry officer. There also nothing in Ext. M1 file that the workman objected at any stage of the enquiry the representation of the law officer in the management on the ground that the representative is a legally trained person till the management witness was cross-examined by the workers representative for two days. It is also specific to note that in the appeal filed by the workman after imposing the punishment by the disciplinary authority, no contention has been taken regarding denial of his request for engaging an Advocate. These circumstances make it clear that the present contention of the workman that his request for engaging an Advocate to represent him was turned down by the enquiry officer is only an afterthought and therefore only to be rejected.

6. The next point of attack against the enquiry is that the workman was not given reasonable opportunity to cross examine the management witness and also to lead his evidence. The management representative was examined in chief on 10-10-1987 and the representative of the workman examined him on that day. Thereafter the enquiry was adjourned to 14-10-1987 for further cross examination of the management witness. On that day also MW1 was cross examined at length and during the cross examination the worker's representative requested for some documents to be produced by the management. The enquiry was then adjourned to 26-4-1988. On that day on the request of the workman the enquiry was adjourned to 17-6-1988 as per letter dated 21-5-1988 to the worker. It is stated in the enquiry proceedings that as per letter dated 21-5-1988 it was made clear that if the workman failed to appear the enquiry will be held ex-parte in his absence. Inspite of this the workman failed to appear. The management witness was also present on that day. Since the worker or his representative failed to appear, the enquiry officer proceeded ex-parte. The enquiry was again posted to 27-9-1988 as per the letter of the workman dated 7-7-1988. It is evident from this letter in Ext. M1 file that his request was to commence his side and there was no request for documents from the management or recalling the management witness. But on 29-7-1988 the workman submitted two letters requesting production of records by management and recalling the management witness. The enquiry officer has recorded in the proceedings that the relevancy of the documents called for was never made clear to the enquiry officer and therefore the request was turned down before 29-7-1988 itself. It is evident from Ext. M1 enquiry file that the workman was afforded reasonable and sufficient opportunities to cross-examination the management witness. On 29-7-1988 the workman was persuaded by the enquiry officer to lead his evidence. But he and his representative boy-

cotted the enquiry though has specific request as per letter dated 7-7-1988 was to commence his side. There is nothing wrong or unjust in closing the enquiry on that day by the enquiry officer. It cannot be said that the workman was denied opportunity to cross examine the management witness or to adduce his evidence. As a matter of fact he did not utilise the opportunities afforded to him. This contention is also therefore unsustainable.

7. The next point to be considered is whether the findings of the enquiry officer is supported by reliable and admissible evidence. After drawing the first instalment of the housing loan on 31-9-1984 the Panavoor branch manager of the bank inspected the site on 6-1-1985 and reported that no work has been carried out. The branch manager was examined in the enquiry as MW1. He has given details of his site inspection first and the second inspection along with technical officer of the bank again. It was come out in the enquiry that till the site inspection and calling for explanation of the workman for not starting the construction of the building for which loan was sanctioned, the workman never informed the bank that he wanted to alter the building plan which according to him delayed the construction. That contention was found in the negative by the enquiry officer on the basis of the evidence of MW1 and documents. The report of the investigating officials of the bank revealed in the enquiry that the delinquent cannot construct a new building as per the plan submitted by him as the place and location are not ideal to construct a new residential building. The details of the ground level were also stated showing that no proposed building could not be constructed. The workman did not satisfy to the investigating officials how the work for Rs. 10,993.40 as provided in the estimate were spent. He has also failed to furnish the name and address of the second Engineer who gave expert opinion that complete demolition of the old building would entail heavy capital loss already invested and that it was possible to repair the building making use of a portion of the loan amount as contended by the workman. As per the report of the investigating officials excepting the semi-finished old shopping construction already existing no sign of construction activity was traced at the site as on 4-2-1985. There was also no change in the position as on 16-2-1986. The above aspects were fully proved in the enquiry through MW1. The management witness has given detailed evidence in the enquiry to show that the workman did not utilise the amount of loan availed by him for the construction of the building till 4-2-1985 but only misutilised the amount. The enquiry officer has fully analysed the evidence and came to the conclusion that the workman is guilty of the charge of the misconduct of doing acts prejudicial to the interest of the bank vide clause 19.5(j) of the bipartite settlement. The findings of the enquiry officer is supported by reliable and admissible evidence.

8. From the discussions made above it is clear that the enquiry was conducted fully in compliance with rules of natural justice affording reasonable opportunity to the workman to cross examine the management witness and to adduce his evidence. The findings of the enquiry officer are supported by reliable and admissible evidence. The allegation of bias against the enquiry officer is not at all established I therefore hold that the domestic enquiry was proper, valid and supported by evidence.

9. The disciplinary authority before imposing the punishment has given opportunity to the workman to give explanation. He was also given a personal hearing. Disciplinary authority fully considered the findings of the enquiry officer and the submissions of the workman before imposing the punishment. The appellate authority also confirmed the punishment after considering all the aspects of the matter. The present punishment is only proper and commensurate with the gross misconduct prove against the workman. Therefore no interference is called for from this Tribunal.

10. In the result, an award is passed upholding the action of the management of Syndicate Bank in imposing the punishment of stoppage of two increments for two years 1989 and 1990 with cumulative effect on Sri. P. Ravi Kumar. The workman is accordingly not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

witness examined on the side of the Workman :

WW1, Sri P. Ravi Kumar.

Documents marked on the side of the Workman :

Ext. W1.—Circular dated 4-6-1984 issued by the management regarding employees housing loan scheme.

E.t. W2.—Copy of letter addressed to the enquiry officer from Sri Ravi Kumar dated 12-6-1988.

Documents marked on the side of the Management :

Ext. M1.—Domestic enquiry filed containing enquiry proceedings, statement of witness and documents

Ext. M1-A.—Office copy of the order sanctioning housing loan to Sri. Ravi Kumar dated 11-9-1984.

Ext. M1-B.—Loan application submitted by Sri. Ravi Kumar to the Bank dated 24-8-1984.

Ext. M1-C.—Estimate of the building.

Ext. M1-D.—Plan of the proposed building.

Ext. M1-E.—Letter submitted to the bank Sri. Ravi Kumar dated 11-9-1984.

Ext. M1-F.—Letter submitted to the Bank from Sri Ravi Kumar.

Ext. M1-G.—Office copy of letter issued to Sri Ravi Kumar from the bank dated 3-2-1985.

Ext. M1-H.—Letter submitted to the Asst. General Manager of the bank from Sri Ravi Kumar dated 9-1-1985.

Ext. M2.—Settlement on the industrial dispute between certain banking companies and their workman.

नई दिल्ली, 10 नवम्बर, 1993

क्र. आ. 2623.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, कैनरा बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के रिचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[संख्या एन-12012/218/89—डी-II(ए)]

हरीश गौड़, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2623.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure to the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-12012/218/89-D. II-A]
HARISH C. GAUR, Desk Officer.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH.

Case No. I. D. 141/89

R. K. Goyal Vs. Canara Bank.

For the Workman : Shri D. L. Sikka.

For the management : Shri Ashok Jagga.

AWARD

Central Government vide Gazette Notification No. L-12012/218/89-D. II(A), dated 6th September, 1989 issued U/S 10(1)(d) of the I. D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Canara Bank in imposing the penalty of withholding of two increments with further effect on Shri R. K. Goyal is justified? If not, to what relief is the workman entitled?"

2. Claim of the petitioner as set out in the claim statement that on account of his trade union activities being a activist the management is prejudiced against him impleaded him falsely on account of false charges in relation to incident which occurred on 12-1-1987. He has alleged that manager had sanctioned leave to the sweeper on the said date although it was incumbent upon him to make arrangement of sweeping/cleaning of the branch premises. All the staff assembled inside the gate of the branch in protest of their own account that the branch is not cleaned. However after the cleanliness the staff members resumed their duties and started working as usual. The petitioner has stated that the incident as per chance however the manager gave colour to this incident as the sole responsibility of the petitioner and reported accordingly. The petitioner was placed under suspension and charge sheeted. Enquiry was conducted. Ultimately the disciplinary authority imposed the punishment of stoppage of two increments with cumulative effect. The period of suspension was also not treated as spent on duty. The petitioner has alleged that the charge sheet was false and fabricated. He was not afforded full opportunity to give his explanation and thus deprived of his right which is against the principle of natural justice. The management did not follow the correct procedure. Enquiry Officer acted as disciplinary authority and in violation of the Bipartite Settlements. He was holding the enquiry with a partial and biased mind, and hand-in-glove with the management. The order of the disciplinary authority is also not a speaking order and as such order are illegal and liable to be set aside. He has thus sought the setting aside of the punishment with all other benefits.

3. The management in their written statement has taken the preliminary objection that the enquiry was fair and in case the Court is not satisfied with the enquiry the management be allowed to prove the charges by leading the necessary evidence in the Court. On merits the plea of the management that the petitioner was himself responsible for the misconduct committed by him for preventing other Staff members from commencing their work on 12-1-187 causing interruption to the customer service and also presenting indecent picture to the customers and members of the public at large. He not only shouted indecently at the accountant and the branch manager but also manhandled the manager by twisting his arm and pushing him away. Further stand of the management that besides the provisions of Bipartite Settlements the workman is also governed by the Canara Bank Service Code which are in consonance with the settlements. It was denied that the enquiry Officer acted as a prosecutor. Enquiry Officer is fully competent to put the question to the witness as held in Bharat Electronics Vs. K. Kasi reported in 1987 LLJ 203. The requisite standard were fully observed by the enquiry Officer. He acted impartially. Both the orders of the enquiry Officer as well as disciplinary Officer are the speaking orders and are based on the reasons and evidence. Further plea of the management is that where an employee has been found guilty in a departmental enquiry and if a punishment other than dismissal has passed the management may at its discretion treat the whole or part of the period of suspension as spent on duty. Therefore, there is no ambiguity in not treating the period of suspension as spent on duty. No principle of natural justice has been violated and thus has sought the dismissal of the present reference.

4. Replication has been filed reasserting the claim made in the statement of claim.

5. The petitioner in evidence filed his affidavit Ex. W-1. The management produced MW-1 P. Amritraj Manager Canara Bank. He filed his affidavit Ex. M-1. He also relied

on enquiry proceedings Ex. M-2. The respective parties 6 closed their evidence.

6. I have heard both the parties gone through the evidence and record.

7. Representative of the workman has laid a much stress that the petitioner has not been afforded reasonable opportunity to defend himself, the enquiry Officer was biased and partial and done in absence of the presenting Officer of the management in utter violation of the principle of natural justice. Contentions are devoid of any merits. It is settled principal of law that enquiry can not be said to have properly held unless employee proceeded against has been informed clearly of the charges levelled against him, (ii) the witnesses are examined in the presence of the employee in respect of the charges, (iii) employee is given fair opportunity to cross-examine the witnesses, (iv) he is also given fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter and (v) enquiry Officer records his findings with reasons for the same in his report. The Court will interfere only (i) when there is want of good faith, (ii) when there is victimisation or unfair labour practice, (iii) when the management has been guilty of the basic error or violation of principles of natural justice, (iv) when the material findings are completely baseless or perverse.

8. However in the instant case the enquiry proceedings are Ex. M-2. It is quite apparent in the said proceedings that on each and every hearing the workman was himself present. As many as five witnesses were examined on behalf of the management. They were duly cross-examined by the workman and his representative. The petitioner also admits in cross examination that he had participated in the enquiry proceedings regularly. The petitioner in his own showing in the statement of claim has more or less admitted the factum of the incident stating to be 'incident was per chance' and 'as the alleged incident was petty matter' taken place on account of the lapses on the part of the then branch manager. The petitioner was also allowed to submit his evidence as apparent from the enquiry proceedings. Opportunities were also given in his regard. Thus it does not lie in the mouth of the workman that he was not afforded reasonable opportunity to defend his case.

9. Another plea raised by the petitioner that the enquiry Officer Shri Anil Girotra did not act impartially and acted with a biased mind. This plea also stands rejected. It is settled law that mere fact that the enquiry Officer is an employee of the management can not lead to the assumption that he was bound to decide the case in favour of the management and he was biased to decide the case in favour of the management. Likewise the fact that the enquiry Officer was subordinate to the disciplinary authority is no ground that he acted mala fide and had biased against the delinquent employee. Thus in the absence of any special bias attributable to a particular Officer it can never be held that the enquiry is bad just because it is conducted by an Officer of the employer. The petitioner in his cross-examination states that he made representation against the enquiry Officer but he is silent about the contents of the representation and also the copy of said representation has not been placed on the record and no such question has been put to the management's witness in this regard. The domestic enquiry need not to be conducted in accordance with the technical requirements of criminal trial. However it must be fairly conducted, consideration of fair play and natural justice and the same appears to have been done in the present case also.

10. Much stress has been laid by the representative of the workman that there was no presenting officer of the bank and the enquiry officer himself had conducted the enquiry as if he is a prosecutor. This plea is negated in view of the settled law in *Bharat Electronics Vs. K. Kasi* reported in 1987 LLJ 203 wherein it has been held that mere fact that the presenting officer was not appointed is not a ground to set aside the enquiry and the enquiry officer is entitled to put questions to the witnesses for clarifications whenever it becomes necessary and so long the delinquent employee is permitted to cross-examine the witnesses after the enquiry officer questions the witnesses, the proceedings cannot be impeached as unfair. However after perusing the enquiry report of the enquiry officer it is self contained and the speaking order.

11. In view of the discussion made in the earlier paras, enquiry has been conducted in all fairness and the workman had been given adequate opportunity to defend his case.

12. The petitioner has also prayed this Court for the intervention in the publication UJ511-A of the Industrial Disputes Act 1947. Present incident is the sole incident as there is no evidence of any past act of misconduct hanging over his head. The present Act is a beneficial piece of legislation enacted in the interest of employees. In construing the provisions of a welfare legislation, Courts should adopt a beneficial rule of construction. If two constructions are reasonably possible, the construction which furthers the policy and object of the Act and is more beneficial to the employees, has to be preferred. Further, the object of the Act is to safeguard the service conditions of the employees. It therefore, demands a liberal interpretation.

13. Present incident relates to the year 1987. He has already suffered agony of long trial and facing of the departmental proceedings nearly 6 years. The justice must be tempered with mercy and the erring workman should be given the opportunity to reform himself are the principles which should be kept in mind while dealing with the punitive action taken against a workman. Due credit should be given to his mercy.

14. Thus taking overall view of the matter it is ordered that punishment of stoppage of two increments with cumulative effect is substituted with the stoppage of one increment with cumulative effect. The period of suspension is ordered to be treated as spent on duty. Necessary difference of wages to be paid within three months from the publication of the Award.

15. In a way reference is disposed of accordingly.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2624.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय जीवन बीमा निगम के प्रबंधन, के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंगपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[संख्या एच.—17011/02/91—आई प्रार (बी- II)]

हरिश गौर, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2624.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 9-11-93.

[No. U-17011/02/91-IR(B-II)]

HARISH C. GAUR, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I AT BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGI-20 OF 1993

PARTIES:

Employers in relation to the management of Bharatiya
Teewan Bima Nigam

AND

Their workmen.

APPEARANCES:

For the Management : Shri Kirtikar, Officer

For the Workmen : No appearance

STATE : Maharashtra

INDUSTRY : Insurance

Bombay, dated the 11th day of October, 1993

AWARD

By order dated 17-5-1993, the Government of India, Ministry of Labour, New Delhi made the following reference to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of management of LIC of India in deferring the appointment till date of delivery and three months thereafter for pregnant lady candidate, whose names have been given in the Annexure is justified? If not to what relief they are entitled to?"

2. No statement of claim has been filed on behalf of the workmen. The management was however, directed to produce a copy of the rules in this behalf. Mr. Kirtikar on behalf of the management made available to me the relevant rules. I find therefrom that under Rule 16 of the LIC Recruitment (for Class-III and Class-IV staff) instructions that;

3. No person shall be appointed to the service of the Corporation unless he/she has been certified to be of sound constitution and medically fit discharging his/her duties. The certificates in format given in annexure IX should be from a doctor duly authorised by the appointing authority. If at the time of medical examination, any lady applicant is found to be pregnant, her appointment in the Corporation shall be considered three months after the delivery. This would be subject to a further Medical Examination at the candidate's cost. It is because of this Rule, the appointment was deferred till three months after delivery of the lady candidates who were pregnant at the time of their medical examination. The grievance which is therefore, made and which is there in the schedule of the reference appears to be mis-conceived.

Award is accordingly made.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1993

का. आ. 2625 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. सैन्ट्रल कोलफील्ड्स लिमि. की गिडी वाशरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 9-11-93 को प्राप्त हुआ था।

[सं. एल.—20012/106/91—आई आर (कोल-I)]

[सं. एल.—20012/103/91—आई आर (कोल-I)]

एच. सी. गौड़, डेस्क अधिकारी

New Delhi, the 11th November, 1993

S.O. —In pursuance of Section 33C (2) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the management of Gidi Washery of M/s. C.C.L. and their workmen which was received by the Central Government on 9-11-93.

[No. L-20012/106/91-IR(C.I)]

[No. L-20012/103/91-IR(C.I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 140 OF 1991

PARTIES :

Employers in relation to the management of Gidi Washery of M/s. CCL and their workmen.

[Ministry's Order No. L-20012/106/91-IR (Coal-I) dated 24-10-91]

REFERENCE NO. 151 OF 1991

Employers in relation to the management of Gidi Washery of M/s. CCL and their workmen.

[Ministry's Order No. L-20012/103/91-JR (Coal-I) dated 30-10-91]

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee,
Secretary, Bihar Colliery
Kamgar Union.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 1st November, 1993

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following disputes to this Tribunal for adjudication vide their Orders referred to above.

Schedule in Ref. No. 140 of 1991

"Whether the action of the management of Gidi Washery of CCL, P.O. Gidi-A dist. Hazaribagh by not regularising Shri Upendra Nath Singh & 61 others is justified? If not, to what relief the workmen concerned are entitled to?"

Schedule in Ref. No. 151 of 1991

"Whether the demand of the Bihar Colliery Kamgar Union that Shri Hiralal Bedia and 32 other Munshies of transport Contractors be regularised in the services of Gidi Washery of M/s. CCL Ltd. is justified? If so to what relief are these persons entitled to?"

2. The facts and law are common to both the above two references and hence they have been heard together and being disposed off by this common award.

3. The union has demanded regularisation of the concerned workmen as Munshi in Gidi Washery with retrospective effect. The main function of Gidi Washery is to wash medium coking coal for its utilisation in the steel plant and other specified factories. Admittedly coal from different collieries are transported to Gidi Washery for the purpose. It is stated that the concerned workmen have been physically supervising the job of loading coal at the loading point. They have also been preparing challan and taking notes and weighting coal. In Ref. No. 140/91 the specific plea has been taken that for doing the aforesaid job the management of Gidi Washery have appointed and posted the concerned workmen in different places.

4. It is stated that the job of transporting coal from different collieries are permanent and continuous nature of job which the concerned workmen have been doing under the direct control and supervision of the management. The concerned workmen have been doing services which are essential for running of the washery and production of washed coal. It was also contended that loading of coal and transporting the same to the washery is continuous process directly connected with the production of washed coal. In absence of transportation of coal and proper handling of the same will stop the running of washery. It was contended that in spite of the aforesaid fact the management has devised a camouflage system to exploit the workmen in the name of alleged intermediary. It was also stated that all the implements for execution of the job are being supplied by the management. It was further contended that the contractors have been changing every year but the concerned workmen always remain the same. It was lastly contended that the management had entered into settlement on 9-4-82 with the puppet union whereby it had agreed to regularise all the concerned workmen who are performing the job of Munshi connected with the transportation of coal. On these various common ground it has been proved that the concerned workmen of both the references be regularised with retrospective effect.

5. The common ground of attack has been taken by the management in both the references and it has been stated that there never existed any relationship of employer and employee between the concerned workmen and the management and that there was no valid industrial dispute within the meaning of Section 2(k) of the I.D. Act. It was stated that the concerned workmen are strangers for they were never engaged by the management. The concerned workmen never worked in Gidi Washery nor they are required to do any work at the washery and that being so the question of regularisation does not arise at all. Admittedly, raw coal is transported to washery from different collieries and the function of It was stated that those colliers are situated at a long distance from the washery, where coal is loaded mechanically and it is unloaded at the washery

without any assistance of the manual hands. The trucks used for the purpose are tipping trucks with a mechanical device and for unloading coal it is operated by the drivers themselves. It was submitted that as a matter of fact Munshies are not required at all for such job and at any rate the concerned workmen never performed any duty within the establishment of the management.

6. The contractors are engaged from time to time and they are at liberty to engage their own men. The successive contractors are not under obligation to engage workmen of predecessors contractors. While giving parawise reply to the WS of the workmen it was stated that function of the concerned workmen has nothing to do with the washery for none of the jobs is performed in the washery premises. The weigh bridge is also located outside the washery.

7. The question for consideration would be as to whether the concerned workmen are entitled for regularisation as Munshi of the Gidi Washery with back wages and consequential benefits?

8. The workmen claim that they were engaged by the management but admittedly they do not possess any appointment letter. On the other hand the management claim that the concerned workmen were the workmen of contractors and not relationship of employer and employee ever existed between the management and the workmen. Shri Hiralal Bedia while deposing as WW-1 in Ref. No. 151 of 1991 stated that Munshies are posted at different collieries on behalf of the management for the purpose of looking after the work of loading and the preparing challans. He further stated that they also see the quality of coal before it is weighed. Similarly Shri P. K. Mishra, WW-1 in Ref. No. 140/91 stated that at the time of loading they see and watch quality of coal and the loading is done in their supervision. The witness also stated that function of Gidi Washery will be completely stopped if the coal is not transported to the washery. The witness by stating this fact impressed upon fact this transport business is permanent affair and it is continuous work. Shri Bedia stated that they were authorised by the management to do such work. In case of unsatisfactory work they are noticed by the management and at times authorisation slips are cancelled. In this way they claim to have been working since 1975-77 in the washery under the direct control and supervision of the management. They also claim to have worked for more than 240 days in a calendar year.

9. The management has denied each and every assertion of the union. The witness examined on behalf of the management also refuted the claim of the workmen. In this connection I may refer to Ext. M-2 series which are the deeds of agreement entered into between the management and different transport contractors for different days and years. Clause 2 of the Agreement (Ext. M-2) speaks that the contractors shall keep posted on the work site a competent person with necessary assistant who shall represent the contract in all matters for which a letter of authority will be issued by the contractors with a copy to the company. The management has proved Ext. M-3 series which are the photo copies of the authority slips issued by the Transport contractors

to the concerned workmen authorising them to work as representative and supervisor of the transport contractor. Ext. M-3 is in respect of Shri Ram Sumiran Singh who was authorised by Om Transport Corporation. Ext. M-3[1] is in respect of Shri Mitranarain Jha who was authorised by Shri Sahay Transport Agency to look after unloading and sign the challan on their behalf. Similarly there are several authority slips issued in favour of the concerned workmen by different contractors. It may be mentioned that the workmen have also filed and proved a number of authorisation slips showing that the concerned workmen were authorised by the different Transport contractors by different collieries to look after the transport job at the site. Ext. W-12[15] is authorisation slip in favour of Shri Suresh Singh the concerned workman of Ref. No. 140/91 which was issued for and on behalf of Bonshall Transport company to the Colliery Manager, Kedla Open Cast on 13-8-80. The same concerned workman was authorised by International Transport Company on 10-7-85 and 26-6-91 vide Ext. W-12[16] and W-12[17]. Similarly Shri pramad Kumar Mishra of Ref. No. 140/90 was authorised by Patliputra Transport on 13-7-79 under Ext. W-12[22]. He was again authorised by Ranital Transport on 24-6-84 vide Ext. W-12[25] and Ext. W-12[26]. One Pandey Transport Agency had also authorised Shri Mishra on 15-9-86 vide Ext. W-12[27]. Interstate Coal Carriers had authorised Shri Mishra, Shri Sankar Thakur and Sri Shyam Kishore Rai, all concerned workmen on 12-6-89 to work as Munshi on the site and to see transportation of raw coal from Kedla Open Cast Project to Gidi Washery vide Ext. W-12[28]. Again these concerned workmen were authorised by Globe Transport Corporation on 28-7-91 vide Ext. W-12[29]. Similarly there are other authorisation slips under Ext. W-12 series showing that the concerned workmen have regularly been authorised by different transport Companies on different days and months and year to work as Munshi/supervisors of the transport companies. These authorisation slips read in context with clause II of the General Terms and conditions of agreement under Ext. M-2 will simply reveal that the concerned workmen of both the references are the men of different contractors. Virtually there is nothing to show that they were ever authorised by the management.

10. The witness for the workmen have stated that the challans were prepared and signed by the concerned workmen. I find that the photo copies of those challans have been marked under Ext. W-10 series. Anyway I have perused every authority slip issued by the transport contractor but there was no mention that challans will be prepared and filled up by the Munshies. It simply stated that Munshies will look after the transport work and also sign challans. In this connection Ext. W-12[13], W-12[16], W-12[17], W-12[24], W-12[27], W-12[28], W-12[30], W-12[41] to W-12[45] can be seen which are all authorisation slips. This simply proves that challans were not prepared by the authorised Munshies. In cross-examination it has been suggested to Shri P. K. Mishra WW-1 of Ref. 140/91 that Challans were prepared by

the colliery staff. Although the witness has denied the suggestion but the documents are speaking that challans were actually prepared by the staff of the management. In every challan the name of the contractor, Gate Pass No., loading unloading date measurement and other details have been noted. Those challans show that the Munshies signed the challans for and on behalf of the contractors. There is no column showing that it was ever prepared by the colliery Munshies. Sxt. M-4 series are challans filed on behalf of the management. Ext. W-1 series are the photo copies of the identity card and there also the concerned workmen have been shown as contractors workers.

11. Regarding the supervision and control of the management over the work of the concerned workmen, we find that there is specific stipulation vide Class IV of the agreement that company's General Manager of the concerned area shall have the right to ask the contractor to remove from the work site any man of the contractor who in his opinion is undesirable and the contractor will have to remove him within 3 (three) hours of such order. This does not speak direct control of the management. In order to appreciate this fact Ext. W-6 and some other documents may be looked into. Ext. W-6 is the letter addressed to M/s. Interstate Carrier and other transport contractors, Hazaribagh Cantt. requiring the concerned contractors to take appropriate action against their Munshies who were found absent from their duty. This shows that the inspection of the site was done by the staff of the management but more inspection of the site by the staff of the management and noting lapses of the workmen will not constitute control and supervision. Actually control and supervision lies in the sense that the supervising authority holds power to take appropriate action against the defaulting employee and that power as per stipulation of the agreement lies with the transport contractors. Through this document the concerned contractors have been asked to take suitable and appropriate action against the workmen who were found absent from the site. Ext. W-4 is the photo copy of the office order dt. 2-11-88 whereby a committee was constituted to enquire into the matter concerning theft/pilferage of coking coal by contractors truck. Four persons including Shri Hiralal Sharma the concerned workmen were directed to appear before a committee. But that was not in respect of official function rather it was concerning theft of coal. On the following day there was another office order dt. 3-11-88 (Ext. W-5) whereby Shri Hiralal Sharma was not authorised to sign the challans. Again after a few days i.e. on 10-11-88 there was an office order (Ext. W-3) whereby Shri Sharma was again authorised to sign the challan. This was solely in respect of theft and pilferage and the management had entertained some doubt against Shri Sharma. It has been stated by MW-1 in Ref. No. 140/91 that the management had nothing to bother with the work of the Munshi unless the same penal offence is committed by them. This means the management was to interfere and take action against the Munshi if any penal offence was committed by them. All these are office order for communication to all concerned.

12. Ext. W-2 is the letter dt. 30-11-88 directly issued to Shri Radhanath Sao one of the concerned workman in Ref. No. 151/91 by the Sr. Executive Engineer, Gidi Washery whereby he was directed to note that the trucks after unloading coal must not return via C.H.P. which was very unsafe and objectionable. He was also directed to note that the trucks returning through C.H.P. will be blacklisted. Admittedly, as per agreement the routes have been prescribed through which the trucks will ply. I think this direction was quite against the terms and conditions of the agreement. As per agreement only the contractor were to be directed for any guidance/action against Munshies. Certainly there is one fore document showing something like supervision by the management. Ext. W-12/2 dt. 28-9-83 in the office order giving certain directions regarding movement of trucks. The copy of the order was served upon colliery Munshies also. Direct services to the colliery Munshies as contended by the learned counsel amounts to supervision. Ext. W-12/3 is the office order regarding distribution of duty but the Mushies themselves were to distribute duty in three different shifts. Ext. W-12/3A dt. 26-9-92 and W-12/12 dt. 21-9-92 are also the office order showing that certain Munshies will look after the transportation work of M/s. Jai Prakash Carrier Limited and International Transport Company respectively. This does not mean that these Munshies were authorised by the Supdt. of Mines to look after the transportation work. by these office order actually necessary istimations were given to all concerned. Such orders are the follow up action of the management after receipt of the authorisation slip from different contractors. Actually contractors do issue authorisation slip and then office order is followed for informatin to all concened and that was why the copy of authorisation slip was to be given to the company vide rule II of the agreement. For example we may refer to Ext. W-12/11. This is an office order stating that as per letter No. dt. 12-1-93 of M/s. Sahay Transport Agency, the following persons are hereby authorisation to look after the job of washery Munshi in C.H.P. for transportation work. This office order was passed by the Project Officer, Coal Handling Plant, Kedla. So this does not mean that the office order was passed by the management at his own accord. Such orders were passed as per the uthorisation issued by the different contractors. The office order namely Ext. W-12/3A and W-12/12 also refer to some letters but those letters have not been filed. Ext. W-12/4 and W-12/5 are the notices as to which tipping trucks will ply. From the discussions of these documents I find that there are actually two documents namely Ext. W-2 and W-12/2 whereby certain instructions were given to the Munshies directly by the management. The question is if these few documents can fully satisfy the test of control and supervision. In my opinion the answer must go in negative. There can be no effective control and supervision unless any direct action relating to performance of duty is taken by the management against defaulting workman. For the reasons stated above I am to hold the view that there was no relationship of employer and employee between the management and the concerned workmen.

13. As regards continuity of work it has been stated by Shri J. K. Chatterjee, Sr. Executive Engineer (MW-1) that transportation system of coal from different collieries to the washery is a continuous process throughout the year. He further added that functioning of Gidi Washery is not possible rather it may be stopped if transportation of coal is a also continuous process. From the evidence of this witness it is well proved that transportation of coal is perennial nature of job in which the concerned workmen have been authorised by the contractors to look after transportation work and also to sign the challans. The learned counsel at this stage submitted that the work of the Munshi is incidental to and connected with the production of washed coal at the washery.

14. WW-1 of Ref. No. 140/91 has stated that they have been doing for about 300 days in a calendar year. I find that no attendance sheet/register has been filed for the concerned workmen. In the agreement there is a clear stipulation vide Clause 40(g) that the contractors will be required to maintain attendance register. In the circumstances it was for the workmen to prove that they have completed for more than 240 days in a calendar year. Shri Chatterji stated that transport contractors have been changing from time to time. He had seen the concerned workmen namely Hiralal Bedia and 32 others of Ref. No. 151/91 working since he joined the washery. The witness was engineer in Gidi Washery from September, 1980 to 1989. This means he saw them working for more than 10 years but that does not prove that they worked for more than 240 days in a calendar year. In this connection my attention was drawn towards Ext. M-7 series which are letters issued by the Manager, Coal Transport Co. to the C.M.P.F. Commissioner in connection with the deposit of C.M.P.F. contribution and administrative charges for different months and different years. There is a clear stipulation under (clause 40(k) of the Agreement that the employees working under the contractor will be eligible to become members of the C.M.P.F. scheme provided they got the requisite attendance to qualify for the same as per C.M.P.F. Scheme. The eligibility of making payment to C.M.P.F. Commissioner rest with the contractor. In view of this specific stipulation it will be wrong to suggest that the management had been paying C.M.P.F. contribution on behalf of the workmen. There is no document to prove this fact. Forwarding letters have been written by the concerned contractors to C.M.P.F. Commissioner for the needful. Other enclosures also bear the signature of the transport contractors. The wagesheets Form III is also one of the enclosures showing C.M.P.F. Account No. and other details including the days employed by the workmen. That shows that the workmen worked for more than 25 days in a month. But that is not with regards to all the concerned workmen. It relates to few of them and only for ten months. Even supposing for the sake of argument that these concerned workmen worked for more than 240 days still they cannot claim regularisation in face of Ext. M-3 series and W-12 series which are authorisation slips issued by the contractors. No single authorisation slip was issued by the management. Actually as per agreement it was for the contractors to maintain the attendance register and so the burden rests with the

union to prove that they had sufficient attendance in a calendar year. Non-production of attendance register by the union will go against them.

15. It is the case of the concerned workman that the management entered into settlement on 9-4-82 with puppet union and had agreed to regularise all the concerned workmen. Shri Hiralal Bedia WW-1 of Ref. No. 151 of 1991 has stated that prior to 1982 unloading of trucks was done by the labours only and in due course those labourers were regularised by the settlement. The witness stated that the work of Munshies and manual loaders was the same and of similar nature. Prima facie this statement does not sound very much convincing. A manual loader has to engage his own hands to unload trucks. In the authorisation slips there is no mention that those Munshies were required to unload coal personally. Thus the work of manual loaders cannot be equated with the work of Munshi. At this stage it may be pertinent to mention that as per agreement tipping truck has to be used for transporting coal. Admittedly in tipping trucks the system is mechanised and the loaded trucks is unloaded only by mechanical device and no manual hands are required. As stated by Shri J. K. Chatterjee the transportation of coal prior to 1982 was mostly done by dulla trucks. According to him those dulla trucks were unloaded by manual workers at the unloading point. He further stated that those manual hands were regularised in the year 1982 although they were the men of contractors. A searching question was asked from the witness as to whether after regularisation of the manual hands a committee was constituted consisting of A.D. Singh, Dy. C.P.M. (IR) and Shri M.P. Singh, P. W. Argada Area to look into the matter concerning regularisation of the concerned workmen. The witness has denied his knowledge. Further I find that no such document was brought on the to appreciate this fact. Even if such document was in existence I find that on merit the concerned workmen do not deserve regularisation. Ext. W-7 is the memorandum of settlement dt. 9-4-82. Para-1 of the terms of settlement states that all the contractor labours engaged on unloading of coal at Gidi washery, who are on the roll as on 1-1-82 and have put in atleast 240 days attendance during the calendar year 1981 will be regularised as directly employed worker of the management. Here in the present reference we find that nothing has been brought to prove that actually these concerned workmen completed 240 days attendance in a calendar year. In that view of the matter also the claim of the concerned workman does not merit any consideration.

16. Ext. M-5 series are the transportation bill submitted with the Area Finance Manager, Argada by the washery for its audit, check and payment. The word "Payment" is there but no document to show that any wage was ever paid by the management to any of the concerned workmen. On the other hand the enclosures of Ext. M-5 series provided certificate of Dy. Personnel Manager, Gidi Washery stating that M/s. Deoraj Singh had paid wages to his Munshi for the month of April, 1993.

17. There is no documentary evidence to show that the working implements were supplied by the management. In the agreement there is a clear stipulation vide Clause 9 of the agreement that contractors were to arrange their own tools and materials for contract work. The learned counsel for the management contended that atleast Munshies are not required any working implements and so there was no question of supplying them any working implements to them by the management.

18. The learned counsel for the workman has placed his reliance upon some of the authorities. The first reliance was placed upon 1987 Lab I.C. at page 619. That was a case of Catering cleaners working on contract system in Catering establishment at various railways junction off Southern railway and in the pantry cars of long distance train running under the control of Southern Railway. The workmen had filed Writ Petition before the Hon'ble Supreme Court seeking abolition of contract system in which they were employed to do cleaning work and for their regularisation. The Hon'ble Supreme Court had been pleased to discuss the provision contained under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 and all the four necessary tests were satisfied in that case. In the present reference it has been observed that the transportation of coal from different collieries to the washery is necessary and incidental to the industry and so the requirement of Clause (a) of Section 10(2) was satisfied. It was perennial in nature and so clause (b) of Section was satisfied. The work of catering cleaner was being done through regular workmen also in other railway and so clause (c) was satisfied. The work required deployment of subsistence No. of whole time workmen and so clause (d) was satisfied. In the present reference I find that all other clauses are satisfied except clause (c) of Section 10(2) of the Act. There is no evidence either oral or documentary to show that there are regular and permanent Munshies to execute the work as done by the concerned workmen. Apart from that a parliamentary committee was also constituted to go into the grievance of the catering cleaners and favourable reports were submitted recommending regularisation of all catering cleaners. Here in the present reference there is nothing like that and so the authority is not of much help in the concerned workmen. The Hon'ble Court did not issue any direction for abolition of the contract labour rather the Central Govt. was directed to take necessary action in this regard.

19. The next reliance was placed upon an authority reported in 1978 Lab I.C. at page 1264. That was a case in which the petitioner was a factory owner manufacturing ropes. There were 29 workmen who were engaged to make rope within the factory premises but those workmen according to the petitioner, were hired by the contractors who had executed the agreement to get such work done. Undisputedly raw materials were supplied by the management and the equipment used also belonged to the management. In the present reference we find that washery was not the owner of any colliery from where the raw coal was transported. No equipment was provided to the concerned workmen. The

facts and circumstances of the present reference are quite different.

20. Further reliance was placed upon an authority reported in 1991 Supreme Court cases at page 456 (S. Mukherjee and others vs Union of India and others). That referred to a case where Govt. of West Bengal issued notification dated 9-2-80 prohibiting employment at Contract Labour for cleaning and stacking and other allied job except loading and unloading of bricks from wagons and trucks in Compo's brick department. Their Lordships of the Hon'ble Supreme Court held that the job of loading and unloading of bricks is incidental to the industry and personal in nature. Here in the present reference the concerned workmen were not assigned the duty of loading and unloading coal. The system of unloading by manual hands was given a go by after deployment of tipping trucks in 1982.

21. The learned counsel also relied upon the authority reported in LLJ 1963 at page 638, 1963 LLJ at page 447 and LLJ 1962 at page 131. But the facts and circumstances of the present reference are quite different. Apart from that they are the authority of the period much before the passing of Contract Labour (Regulation and Abolition) Act, 1970.—

22. I have carefully examined the factual and legal aspect of the matter and it is held that the concerned workmen were exclusively engaged by the contractors to look after the transportation of coal and also to sign the challans. They were also paid by the contractors themselves. Although transportation work was continuous in nature and the concerned workmen had put in for about 10 years in the job but they miserably failed to establish that they had worked for more than 240 days in a calendar year. As regards supervision and control only there were few stray cases of direction given direct to the concerned workmen and that too in absence of any action was not sufficient to constitute full proof supervision. For the reasons stated above I am to hold that the concerned workmen in both the references are not entitled for their regularisation. Thus the action of the management of Gidi Washery of M/s. CCL, Hazaribagh in not regularising the concerned workmen of both the reference was justified. Consequently, the concerned workman are entitle to no relief.

B. RAM, Presiding Officer

REFERENCE NO. 151 OF 1991

Names of Munishies.

1. Shri Hiralal Bedi.
2. " Lal Mohan Bedia.
3. " Tarkeshwar Prasad.
4. " Reyajul Haque.
5. " Radha Nath Sahu.
6. " Bimal Singh.
7. " Ratan Balan.
8. " Anil Kumar Singh.

9. " Smt. Suchita Kuwar.
10. " Shri Ram Sumiran Singh.
11. " Chandra Shekhar Singh.
12. " Ganesh Mahto.
13. " Khemnath Mahto.
14. " Dhanu Mahto.
15. " Ramjiwan Prasad.
16. " Shiv Kumar Singh.
17. " Dinesh Prasad Sharma.
18. " Bhupendra Bahadur.
19. " Fool Bahadur.
20. " Umesh Tiwari.
21. " Hiralal Sharma.
22. " Nand Kishore Rai.
23. " Sajan Kumar Barolia.
24. " Mitra Narain Jha.
25. " Surya Narain Jha.
26. " Jitendra Kumar Singh.
27. " Nagehwar Prasad.
28. " Amarnath Sharma.
29. " Bimal Thakur.
30. " A. K. Chakravarti.
31. " Damodar Singh.
32. " Sunder Prasad.
33. " Rameshankar Ram.

List of the concerned workmen in Ref. No. 140/91.

1. Shri Suresh Singh
2. " Promod Kumar Mishra.
3. " Sri Monmohan Pathak.
4. " Baleshwar Mahato.
5. " Mohender Singh.
6. " Radharam Mahto.
7. " Anil Dubey.
8. " Rajbansh Singh.
9. " Rambandan Singh.
10. " Sovakant Choudhary.
11. " Dhun Singh.
12. " Sri Bijoy Singh.
13. " Umesh Kumar Singh.
14. " Mohimanand Pandey.
15. " Satendra Narain Singh.
16. " Rohan Lal Mahato.
17. " Shamkishore Rai.
18. " Ramdeo Mahato.
19. " Tejnarain Karmali.
20. " Basant Kumar.
21. " Janardhan Pd. Singh.
22. " Abdeshr Kr. Singh.
23. " Shankar Kumar Thakur.
24. " Binod Kr. Singh.
25. " Ram Bilas Prasad.
26. " Ajay Kumar Singh.
27. " Arjun Kumar Pandey..
28. " Kartik Mahato.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 165/89

D. V. Pathania

Vs.

State Bank of Patiala.

For the workman--Shri D. L. Sikka.

For the Management--Shri N. K. Zakhmi.

AWARD

Central Government vide Gazette Notification No. L-12012/199/89-IR (B-III) dated 16th October 1989 issued U/S 10 (1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of Patiala, Region I, Bhatinda, in ordering the stoppage of two annual increments falling due to Shri D. V. Pathania, Head Cashier, on 1-6-84 and 1-6-85, with future effect, in terms of clause 19.6 (d) of the Bipartite Settlement 1966 read with the provisions of Sagstry/Desai Awards and 3rd Bipartite Settlement 1979, is justified ? If not, to what relief the workman is entitled to ?"

2. The case set out by the petitioner in the statement of claim that he joined the bank as cashier-cum-godown keeper on 3-6-1971. On having promoted as head cashier (E) he was transferred to Mansa from Jammu upon having relieved from Jammu on 24-2-1982 where he was expected to join on 3-3-1982. Thereafter he fell ill and could not resume duties for which he informed the bank and sought leave by sending telegramme and registered letter. He however charge sheeted for having remained absent unauthorisedly from 24-2-1982 to 15-4-1982 alongwith other charges of disobedience that on 30-4-1982 he alongwith other two cashiers Surjit Singh and Miss Shashi Bala refused to accept cash from few businessmen of Mansa which was to be deposited in the Government account of Sales Tax as per complaint dated 30-4-1982 by one Jatinder Kaushal Advocate and other members of the general public of Mansa. The plea of the workman that the said charges were initiated at the behest of the rival union. His further plea is that the enquiry was not fair. Enquiry Officer was partial with the management, enquiry report is perverse and defective and given with a predetermined mind. The disciplinary authority did not apply their mind and the punishment of stoppage of two annual graded increments with future effect was imposed without going into the merits of the case. He further claims that the appellate authority also did not apply their mind while rejecting his appeal. He has thus sought setting aside of the punishment imposed and the arrears.

3. The management in their written statement has taken up the plea that the petitioner upon having transferred from Jammu to Mansa was duly relieved on 24-2-1982 but he did not join till 15-4-1982 when his undated application for leave alongwith medical certificate dated 29-3-1982 was received by the Branch Manager Mansa. Therefore, the petitioner remained unauthorised absent from duty without any prior permission. The petitioner was also advised by the management on 24-4-1982 to get himself medically examined from C.M.O. but he failed to submit required medical certificate and thus liable to be disciplinary action. It was further averred that on 30-4-1982 he caused disobedience of the orders of the Branch Manager when he refused to accept the cash from businessmen of Mansa. Upon a complaint made by an advocate and the public which was to be deposited in the Government account. The plea of the management that the enquiry was proper and fair. The petitioner was given full opportunity to prove his innocence. The disciplinary authority had gone into the documents, submissions made before the enquiry officer and after applying its mind the punishment was imposed in terms of clause 19.6 of the 1st Bipartite Settlement dated 19-10-1966. The petitioner however was given show cause notice before the imposition of penalty. The petitioner also submit his reply to the said show cause notice for which the

29. " Anant Singh.
30. " Bhuneswar Rajwar.
31. " Dalchandra Mahato.
32. " Mahabir Manjhi.
33. " Binoy Kumar Singh.
34. " Bihari Ram Thakur.
35. " Subrata Mukherjee.
36. " Digambar Singh.
37. " Lalan Singh.
38. " Abdesd Pd. Singh.
39. " Jainandan Prasad.
40. " Birendra Kr. Singh.
41. " Ashok Kumar Singh.
42. " Sri Md. Akbar Ali.
43. " Upendra Lal Singh.
44. " Suresh Jha.
45. " Bajrang Singh.
46. " Krishna Singh.
47. " Kukhraj Singh.
48. " Sri Namichandra Singh.
49. " Dilip Singh.
50. " Surjanarain Singh.
51. " Bahadur Singh.
52. " Girja Shankar Singh.
53. " Novinarain Singh.
54. " Umesh Singh.
55. " Shankar Rana.
56. " Hara Prasad Singh.
57. " Basant Narain Singh.
58. " Upendra Kumar Singh.
59. " Rajendra Singh.
60. " Binoy Kumar Sinha.
61. " Rabindra Singh.

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2626.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम म्यायालय चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[संख्या एल—12012/199/89—आई वार (बी-III)]

एस. एस. के. राव, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2626.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure. in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-12012/199/89-IR(B-III)]

S. S. K. RAO, Desk Officer

disciplinary authority gave weightage and however did not find any substance in the submissions made by the petitioner. The appellate authority also acted in a fair manner while rejecting his appeal and thus has sought the dismissal of the reference of the petitioner.

4. The petitioner has filed his affidavit Ext. W-1 in evidence. The management produced MW-1 S. S. Bhole enquiry officer and Furan Chand as MW-2. They filed their respective affidavits Ex. M-1 and M-3. The management also relied on the enquiry proceedings Ex. M-2 and other documents Ex. M-4 and Ex. M-5. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Mr. D. L. Sikka authorised representative of the petitioner alongwith the petitioner has restricted their claim in relation to the quantum of punishment and did not press the case on merits.

8. Their statement to this effect was also recorded.

9. The representative of the petitioner has pointed out that unauthorised absence falls under the minor misconduct. He has also pointed out that the said incident was a solitary incident in nearly 12 years service of the petitioner. He has also pointed out that admittedly the cash is to be received by the cashier and the petitioner head cashier was only to supervise the cash and can take only in exigencies and thus the petitioner was not directly responsible for not taking cash from the public on the said date causing disobedience of the orders of the manager.

10. I have perused the averments made by the representative of the petitioner. There is substance in the arguments of the petitioner in this respect. The present incident is solitary incident otherwise he possesses unblemished record of service as there is no evidence of any past act of misconduct hanging over his head. The present Act is a beneficial piece of legislation enacted in the interest of employees. In construing the provisions of a welfare legislation, Courts should adopt a beneficent rule of construction. If two constructions are reasonably possible, the construction which furthers the policy and object of the Act and is more beneficial to the employees, has to be preferred. Further, the object of the Act is to safeguard the service conditions of the employees. It is therefore, demands a liberal interpretation.

11. Present incident relates to the year 1982. He has already suffered agony of long trial and facing of the departmental proceedings nearly 11 years. The justice must be tempered with mercy and the erring workman should be given the opportunity to reform himself are the principles which should be kept in mind while dealing with the punitive action taken against a workman. Due credit should be given to his mercy.

The petitioner has been awarded punishment of stoppage of two increments with future effect. Cumulative effect is to effect for entire service career of the workman and there is permanent loss and at the end of the service would run into very large figure and it would also effect the pensionary benefits. The punishment of stoppage of two increments with cumulative effect (future effect) is to be imposed with careful consideration and application of mind to the resultant total consequences and the same should not have imposed as a matter of routine.

12. Thus taking overall view of the matter, it is thus ordered that punishment of stoppage of two increments with cumulative effect (future effect) is substituted with stoppage of two increments without cumulative effect. The period of absence be treated as leave of the kind due. The petitioner shall not be paid any arrears upto December 1990. He is only entitled for arrears w.e.f. 1-1-1991. In a way reference is answered accordingly.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1993

का. प्रा. 2627.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-11-93 को प्राप्त हुआ था।

[संख्या एल—12011 51/92—आई प्रार. (बी-III)]

एस. एस. के. राव, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2627.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their workmen, which was received by the Central Government on the 8-11-1993.

[No. L-12011/51/92-IR (B-III)]

S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 7/93

Om Parkash and Ors.

Vs.

Reserve Bank of India

For the workmen—Shri Hardyal Singh.

For the management—Shri R. L. Gupta.

AWARD

Central Government vide Gazette Notification No. L-12011/51/92-I.R. (B-III) dated 22nd December, 92 issued U/S 10 (1)(g) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Reserve Bank of India in drafting the following fourteen Ticca Mazdoors for sweeping work is justified ? If not, to what relief(s), these workmen are entitled to ?"

1. Shri Vidya Sagar
2. Shri Ashok Kumar
3. Shri Ram Kishan
4. Shri Chet Ram
5. Shri Harnek Singh
6. Shri Padam Dev
7. Shri Om Parkash
8. Shri Dharam Pal
9. Shri Avtar Singh
10. Shri Gian Singh
11. Shri Sat Pal
12. Shri Rajbir Singh
13. Shri Md. Jamil
14. Shri Rajesh Kumar.

2. Present case was fixed for 10-2-1994 for filing of replication and affidavit by the workmen. However present case taken up today at the request of the representative of the workmen. Mr. Hardayal Singh advocate appearing on behalf of the petitioners has made a statement that they do not want to pursue with the present reference and the same may be returned to the Ministry as no dispute award.

In view of the statement made by the counsel for the petitioners a no dispute award is returned to the Ministry. Chandigarh,

Dated : 26-10-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1993

का. आ. 2628 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की भोवरा (नार्थ) कोलियरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[एल-24012/3/86-डी. 4(वी)आईआर (कोल-1)]

एस. एस. के. राव, डेस्क अधिकारी

New Delhi, the 19th November, 1993

S.O. 2628.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhowra (North) Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 10-11-1983.

[No. L-24012/3/86-D/IV(B)/IR(C-1)]

S. S. K. RAO, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 253 of 1986

PARTIES :

Employers in relation to the management of Bhowra (North) Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri P. B. Choudhury, Authorised Representative.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the November, 1993

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/3/86-D.IV(B), dated, the 15th July, 1986.

SCHEDULE

"Whether the action of the Management of Bhowra (North) Colliery, Bhowra Area No. XI of M/s. Bharat Coking Coal Limited (Dhanbad) in retiring Shri Sudhir Pasi, M.C. Loader from service with effect from 2-7-1985 is justified? If not, to what relief is the said workman entitled?"

2. In this reference the action of the management in retiring Shri Sudhir Pasi M.C. Loader from service of the company with effect from 2-7-1985 has been seriously challenged.

3. Admittedly the concerned workman was initially appointed in Jealgora Colliery of M/s. B.C.C.L. He was stated to have worked in Jealgora colliery till 1979 and from there he was transferred to Ropeway division where he worked for about 4-1/2 years and lastly he was transferred to Bhowra (N) Colliery. It is stated that he worked in Bhowra Colliery for about 1-1/2 year and after that he received notice of retirement. The concerned workman disputed his age of retirement and according to him the year of birth in Jealgora Colliery was recorded as 1935 which was the correct year of birth. It was further stated that he was served with retirement notice only 4 to 5 days before the schedule date of retirement which was not in accordance with the law and procedure. From the W.S. it appears that the main contention of the concerned workman was that the most important statutory register which was the Form B Register of Jealgora Colliery was not produced and the workman was entitled to be reinstated in service and his retirement with effect from 2-7-1985 was illegal and without jurisdiction.

4. The management has also filed separate W.S. refuting the claims of the concerned workman. It was contended that the concerned workman had completed 60 years of age on 1-7-1985 and accordingly the notice was given for his retirement with effect from 2-7-1985. The management's main contention was that no inconsistency in different registers of the management was found so far the recording of the age of the concerned workman was concerned and in that view of the matter there was no question of referring the case to the Apex Medical Board.

5. The management further contended that the concerned workman could not explain the reason for not raising any dispute from 1973 to 1985 if his

date of birth was wrongly recorded at the time of take over of the management of the colliery. Similarly he could not explain as to why he did not protest regarding wrong entry of his date of birth at Bhowra (North) Colliery at the time of his transfer from ropeway division. It has been submitted that as per JBCCI circular a workman cannot demand for correction of his date of birth or the age recorded in Form B Register of the management unless there was inconsistency between the date of birth recorded in different registers. As the date of birth recorded in different registers of the management corroborated with each other there was no scope for the concerned workman to challenge the correctness of the date of birth entered in Form B Register.

6. The question for consideration would be as to whether the action of the management in retiring Shri Sudhin Pasi, M.C. Loader with effect from 2-7-1985 was justified?

7. Admittedly, the concerned workman was appointed in Jealgora Colliery in 1953. He has stated in his evidence that he worked there till 1979 say for about 25 years. He further stated that at the time of his initial appointment his name was entered in Form B Register. At this stage it may be mentioned that in the Form B Register every details including the name, age and address of the workman is entered at the time of his first appointment. This register is to be maintained under Section 48 of the Mines Act which is the statutory register. Definitely the age of the concerned workman must have been written in Form B Register maintained at Jealgora colliery. Form B Register has not been filed by the management. MW-1 Shri Sunil Kumar Ghosh, P.M. has proved the photo copy of the C.M.P.F. record of Jealgora Colliery which has been marked Ext. M-1. The age of the concerned workman has been recorded as 1-7-1925. The witness has also proved the L.P.C. of the concerned workman issued to him under the signature of Shri Bhagwan Prasad, the then Dy. P.M. (Ext. M-2). There also the age of the concerned workman has been shown to have been recorded as 1-7-1925. The identity card register has been marked Ext. M-3 and the same age has been noted, even in the Identity card register. In this way the learned counsel for the management urged that in all the records of the management the same age of the concerned workman has been noted and he has been rightly superannuated with effect from 2-7-1985.

8. MW-1 was cross-examined and he proved Identity card issued to the concerned workman (Ext. W-1). In para 23 of the W.S. the management admitted that the date of birth of the concerned workman was shown in Identity card as 1-7-1925. However, manipulation in the Identity card was denied. I have carefully looked to the Identity card (Ex. W-1) which was issued in the year 1973. The name of the colliery namely Jealgora Colliery has been penned through. I further find that the date of birth has been noted as 1-7-1925 but definitely it was in different pen and ink. In para 3 of the W.S. the management stated that the management of Bhowra Colliery entered the name of the concerned workman in Form B Register on his transfer from ropeway division. It further states that the entries in Form B

Register were made on the basis of information furnished in the L.P.C. From this statement it is well proved that the entries in Form B Register was not made on the basis of original Form B Register which was maintained in Jealgora Colliery. Undisputably Form B Register is the primary statutory register maintained under the Mines Act. For the purpose of recording the age of the employee. Thus we find that the original Form B Register could not be brought on the record and even in the Identity card Ext. W-1 the date of birth has been written in different ink. For these reasons it looks proper that the concerned workman be examined by the Apex Medical Board for correct assessment of age. The management is thus directed to get the concerned workman examined by the Apex Medical Board within two months from the date of publication of the Award.

B. RAM, Presiding Officer.

नई दिल्ली, 9 नवम्बर, 1993

का. आ. 2629.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलीफोन्स के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5/11/93 को प्राप्त हुआ था।

[सं. एल-40012/1/86-डी 2(बी) (पी टी)]

के. वी. वी. उणी, डेस्क अधिकारी

New Delhi, the 9th November, 1993

S.O. 2629.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Telephones and their workmen, which was received by the Central Government on 5-11-1993.

[No. L-40012/1/86-D.IV (B) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 68 of 1988

PARTIES :

Employers in relation to the management of Calcutta Telephone,

AND

Their workman.

PRESENT :

Justice Manash Nath Roy, Presiding Officer.

APPEARANCES :

For the Management—Mr. Anwar Hossain, Advocate.

For the Workman—Mr. J. C. Consul, Advocate.

STATE : West Bengal

INDUSTRY : Telephone

AWARD

Exceptions having been taken to the action of the management of Calcutta Telephone (hereinafter referred to as the said Employer), in refusing work to one Ram Parvesh Singh (hereinafter referred to as the said Employee), with effect from January 1, 1978, the validity otherwise of such action, was referred for adjudication, to the Tribunal, by Government Order of Reference No. L-40012/1/86-D.II (B), dated May 22, 1987, under section 10(1)(d) and sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act).

2. It was the case of the said employee that on joining the said Employer, he was first posted at 46 Exchange from December 6, 1976 as a daily rated Mazdoor (D.R.M.) and in early 1977, when 72 Exchange was opened, 30 D.R.Ms. were transferred to that Exchange from 46 Exchange and he was one of them and in the transferred Exchange, he worked continuously upto December 31, 1977. Thereafter, he was not provided with any work on the plea of some technical difficulties.

3. It was the case of the said employee that since January, 1978, inspite of his request, he has not been allowed to join the duties on devisee pleas and in 1982, he was informed that 20 employees of 77 Exchange, who were not also provided with any work, for reasons as of his, have filed a case and so, he should wait till the decision in that case is made and all retrenched employees will be given same treatment and benefit. In this case, there is no corresponding evidence produced for establishing and supporting such statement. By that proceedings, as would appear from his statement, the said employee meant the proceedings in Reference No. 14 of 1981, which was decided by this Tribunal, by an Award dated January 28, 1983 and where, the action of the said Employer in terminating the services of the workman concerned, who had completed 240 days of work, was found to be illegal, improper and unjustified and they were declared to be reinstated with consequential benefit. A xerox copy of the said Award has been marked as Exht. W-6.

4. The said employee has alleged that inspite of such decision in Exht. W-6, he was not given reinstatement as assured. As indicated earlier the assurance as alleged, has not been duly established and proved. It has further been alleged that with his prayer for reinstatement as assured, he moved from Officer to Officer from time to time and lastly, he represented to the Recruiting Officer of the said Employer and he, on or about August 8, 1983, advised him to make a written application to him, indicating the period of his workings, which he did on September 8, 1983. This application, the said employee has produced with his written statement as Annexure 'B', but has not got it exhibited. It has also been alleged that thereafter, the said employee repeatedly visited the office of the said Employer and their Officers and received no reply, excepting that the said Recruitment Officer, asked him to write to the Labour Commissioner, for inclusion of his name along with the 16 or 17 workmen of 72 Exchange, whose cases were pending before him and he recommended for a Reference to be made. These facts have not also been duly proved and established. However, it has been stated that such representation having been made, after a failure of the conciliation, the present dispute was referred for adjudication.

5. It has been alleged that the authorities of the said Employer acted illegally and in violation of the Rules and principles of natural justice, in terminating his services and such refusal of work to him, should be held to be illegal and unjustified, apart from being mala fide and he should be directed to be reinstated with all back wages and other ancillary and incidental benefits.

6. By their written statement filed on December 20, 1988, the said Employer raised a preliminary objection, with regard to the maintainability of the case, indicating that even if the said employee worked under them upto December 31, 1977, he cannot open the dispute after a long lapse of 20 years by his written statement dated June 8, 1987. Thus, the question of limitation in raising the dispute, was put forward. Even though a claim was made to hear the preliminary issue first, but it would appear that no prayer was made on that and on and from November 14, 1991, the parties to the dispute went on trial.

7. On a reference to P&T Manual Vol. III and more particularly, Appendix-3 thereunder, it was submitted, the service records are required to be preserved for 5 years only, so the statement as made by the said employee, regarding his employment or the correct position thereof, cannot be ascertained at this distant date and thus also, to verify, if he had worked in 72 Exchange with effect from December 6, 1976 to December 31, 1977, as claimed, as no documents or records in the circumstances as stated and so also the Muster Roll for the said period, would be available. A copy of page 151 of the said P&T Manual, containing the Appendix-3 thereunder, was produced along with the written statement and at the time of hearing, Mr. Hossain produced the said manual, which was returned after comparing with the Xerox copy of the Appendix, as disclosed. Apart from the above the said Employer denied the other allegations as made by the said employee and he has been asked to get his statement duly proved. It has been categorically denied that in the fact of the case and the circumstances as indicated, any injustice was caused to the said employee and as such also, there would be no question and justification of granting him any relief.

8. The said employee has, along with his written statement, submitted personal records of employment of Muster Roll, as daily rated Mazdoor, showing the signature of the then SDOP/72 Exchange. The signature in the xerox copy of the said record was pointed out to be illegible and without mentioning the name of the SDOP concerned, below that signature. It has been pointed out that normally, such statement are written by the concerned clerk, who is to put his signature below the seal and then, the Officer is to sign, but in this case, there was no initial by the clerk or clerks, who made the entries. It was also pointed out that at that time, Mr. A. K. Sengupta was the S.D.O.P. of 72 Exchange and he has retired and as such the validity of the statement and the signature cannot be verified. It should be noted that the said Mr. Sengupta, even without being summoned has appeared and has deposed as WW-3.

9. Much reference to a rejoinder, which was filed, after service on March 23, 1989, is required to be made, as there is no new facts excepting to those indicated herein, were made. It was pointed out, on a reference to the Appendix as mentioned earlier that the Register of work is to be retained for 20 years and labour pay sheets are to be retained for all times and since the said employee has not been paid notice pay and the retrenchment compensation, the Muster Roll should still be maintained by the said Employer and they have not produced any evidence of destruction of such records.

10. Before taking up for consideration, the evidence as recorded, it must be noted that an exception being taken, regarding the signature of Mr. Dasgupta, the said employee, on May 25, 1992, filed an application for proving the said signature by one N. D. Das. DEN, a friend of the said Mr. Dasgupta, on the basis of an application filed on February 2, 1993. It must also be mentioned that in his two applications as above, he described the Officer concerned both as Mr. Dasgupta and Mr. Sengupta and again, on May 11, 1993, he has asked for a summons on Mr. Ashish Kumar Sengupta. Ultimately, the said Mr. Sengupta as indicated earlier, appeared and deposed as WW-3, without any summons. It should also be noted that previous to the above, on July 1, 1991, the said Employer filed an application, recording the non-availability of the records relating to the employment of the said employee and the facts of destruction of the records or for non availability of the same, under the provisions of the P&T Manual as indicated earlier. It must also be noted that the above mentioned applications of the said employee, were unverified.

11. The said employee deposed to the facts of his case, as WW-1. It was his evidence that one Dutta Babu, S.D.O.P. refused employment to him, as there was no work available and he also told him that work will be provided, as and when the same will be available and such assurances were also given to him by the office of the said Employer, whenever approached. It was his further evidence that one Das sahni said that his case will be decided on the basis of the determination in Reference No. 14 of 1981 as mentioned earlier and in fact, the Award

in that case, was in favour of the employees of 77-Exchange and they have been employed with leave wages. He has said that he was informed that at first, the case of those, who have worked for 240 days, will be considered and his case will be considered thereafter. This statement of the witness shows, he was not really employed for 240 days, which he has claimed. He has also said that on further representations by him, he was informed that his turn of appointment has not come. This is really a new case sought to be made out now and which again, has not been duly pleaded. According to him Exbt. W-4, his identity card will show his continuous employment from December 1, 1976 to December 31, 1977 and the same was issued by his S.D.O.P., whose signature, was not known to him. This Exhibit appeared to be signed only by Mr. A. K. Sengupta, S.D.O.P. on March 14, 1978 and this Mr. Sengupta has deposed as WW-3. The evidence of the said Mr. Sengupta, will be indicated hereafter. From the record in Ext. W-5, it will appear that the said employee was considering himself to be a retrenched casual D.R.M., but his subsequent statements show, he was either employed as trenchman or Electrician. In fact, his statements regarding employment were contradictory. It was also his case that on refusal of employment, he was not paid retrenchment compensation. Regarding his workings, for the period as aforesaid, the said employee relied on Exbt. W-3 and to no other document. In examination chief, the witness said that his rate of wages was Rs. 5.15 p. per day and such rate would be doubled, if had worked for Sundays and other National Holidays, but ultimately, he could not produce any evidence to support such statements. In fact, he has stated that he has no evidence, other than Exbt. W-4, to establish the fact of his employment, but the entries therein, will prove and establish his workings for 240 days. The only signature over the seal, which was appearing in Ext. W-5, it will appear that the said employee was not in a position also, to establish that after his appointment in 46 Exchange, he was given employment in 72 Exchange and he could not also produce evidence of his workings in 46 Exchange. According to him, one Das Sahab was locking after the staff section, but he was not aware of his full name. But, he told him about the decision to re-employ him, after the disposal of the other case as referred earlier. There, in fact is no evidence on this point. The witness could not produce any record showing that he was asked to join Calcutta Telephones. He could not also establish his employment as monthly paid staff or that he received such payment from the said Employer and that he received Rs. 5.15 p. per day or that he was paid double the wages for working on Sundays or other Holidays.

12. WW-2, Uttam Ram has said to be employed in 72 Exchange, on joining in December 1976, as a daily rated Mazdoor. It appears that he was transferred to 72 Exchange from 46 Exchange, along with 25 to 30 other employees and he worked in that Exchange upto December. His evidence was that he along with others, was not given work, as there was no work and was informed that in case of necessity, he will be called. It was his further evidence that he along with others received Identity card, showing the date of engagement, by Mr. A. K. Sengupta, S.D.O.P. He produced a Xerox copy of his Identity card Ext. W-8 and not the original one, under the signature of Mr. A. K. Sengupta, whose signature, he knew and said further that his card Ext. W-8 was like Ext. W-4. His further evidence was that said employee, used to work with him. It must also be noted that he also made a statement that his card Exbt. W-8 was signed by Mr. A. K. Sengupta. He also produced Exbt. W-9 and claimed the same, to have been signed by his Area Manager and claimed that by the same, his name was sent to the Employment Exchange, for keeping the same in the panel for absorption. He could not name the Area Manager, but said that the name of the said employee was also in the list annexed to Exbt. W-9. It must be remembered here that the two sheets, as said to have been annexed to Exbt. W-9, although contained the names of this witness and that of the said employee, were not signed by any officer or authority of the said Employer. It must also be noted that the witness claimed to have received Exbt. W-9, from other workers, but unfortunately, none of them has been examined on the point of supplying the copy or to establish the source of the same.

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This fact, was actually admitted by this witness. His evidence was that he and the said employee were working together and were terminated on the same date and Mr. A. K. Sengupta, S.D.O. Phone, signed the Identity cards for all those who had worked. The witness agreed that apart from Exbt. W-9, he had no other evidence of workings with the said Employer.

13. WW-3 Mr. Asish Kumar Sengupta, who has retired, as Divisional Exchange Engineer of 21, 24 and 29 Exchanges on March 31, 1985, has claimed to be the S.D.O. Phone of 72 Exchange, at the relevant time and has said to have issued Exbt. W-4, to the said employee on March 14, 1978. His case was that he issued the said Exhibit, on being satisfied about the entries therein, from the works orders, as issued. But those works orders have not been produced or proved and further he was not sure as to the number of such certificate as issued by him. He has said that the signature on Exbt. W-8 which was the certificate for another employee, was his. He has said that in 1978 one M. G. Jayaram was the Area Manager whose signature, he knew and Exbt. W-9 was under his signature. It is strange that such a senior Officer has claimed to have come to depose on the basis of summons by the Pleader, who was conducting this case. He has claimed, not to have any vested interest in respect of the casual workers. He said that the authority to issue certificate like Exbts. W-4 and W-8 was not with him, but claimed the same to be lying in the Office. He agreed that the copy of Exbt. W-9 was not endorsed or addressed to him and he has identified the signature of M. G. Jayaram in the xerox copy of Exbt. W-9. He has also said to have certified the entries in Exbt. W-4 after comparing them with other records. But, he has neither produced nor given particulars of such records and he agreed that in Exbt. W-4, apart from his signature, there was no other signature and further, the entries in the said Exhibit, were made by others and not by him. He has of course denied to have issued the said Exbt. W-4, without comparing.

14. Mr. Consul, appearing for the said employee, on the facts and pleadings as indicated hereinbefore, submitted that there is no doubt or dispute that initially, the said employee was employed in 46 Exchange and thereafter in 1977, he was transferred to 72 Exchange and upto December 31, 1977, he worked, practically for a period of 13 months and then, on and from January 1, 1978, on technical plea he was not employed and further, for such non-employment, he approached the authorities. He indicated further that in the meantime, 20 other employees filed a proceedings which was determined in their favour by Exbt. W-6, holding inter-alia amongst others that those who worked for 240 days or more, would be employed and in fact these 20 employees, as involved in that Award, were re-employed. Mr. Consul pointed out that in fact, on such representation as above the said employee was informed that he will also get the necessary benefits if the Award in that case was in favour of the employees. This part of the submissions get no support from the evidence as received in this proceedings and the same had only the character of a disputed claim and was not at all legally proved. To establish that the said employee was employed and he made representations, for his further employment, Mr. Consul referred to Exbts. W-1 and W-2 and further, in support of his claim for employment of the said employee he made reference to Exbt. W-3 i.e. the Employment card and also referred to Exbt. W-4, which was claimed to have been issued under the signature of WW-3 and none else. In fact, the entries therein, were not under the signature of any Officer, who made the entries. WW-3, no doubt claimed to have verified the entries with the corresponding records. But I have already indicated the character of evidence he has tendered on the point. In fact, even on his evidence, the unsigned and unidentified entries in Exbt. W-4, have not been duly proved.

15. It should be noted that in Exbt. W-5, the said employee has made a statement that he was a casual D.R.M. which fact, of course may be true, but in his evidence and pleadings, as indicated earlier, he certainly made a contradictory and inconsistent case.

16. The making of the Award, Exbt. W-6 cannot be doubted and disputed. But such determination, in the facts

of this case, has no application, as admittedly, the employment of the said employee, for 240 days or more, has not been duly proved and established by any due and legal evidence. The raising of the dispute through Exbt. W-7 cannot also be disputed and this is also true that on failure of conciliation, this dispute was referred for adjudication.

17. I have already indicated the text of the evidence of WW-3. His evidence regarding Exbt. W-4 may be Opt and relevant for his signature therein, but not the entries. Although he has spoken about Exbt. W-9, yet, for the short comings in the evidence, as indicated, I think no reliance can be placed on that Exhibit or at least the two loose sheets, as appeared to be annexed therewith, which again were not signed. As indicated, the said Exbt. W-9, was only a xerox copy and the original of the same was neither produced nor the same was sought to be proved through the two employees or by any one of them, from whom the said Exhibit was claimed to have been received. Even the evidence of WW 2, who spoke about Exbt. W-9, was not enough to establish the validity of the same, legally.

18. Mr. Consul then referred to Appendix-3 of the Manual as referred to hereinbefore, which indicate the periods for which the documents and records as indicated therein, are to be preserved. That Appendix amongst others, indicate that Register of works and not workers as submitted, to be retained for 20 years, labour pay sheets are to be retained for all time, and Muster Rolls for 5 years, so also the Register of such Rolls. Mr. Consul, without any justification claimed that the Muster Rolls are to be retained for ever and as such, the two sheets as annexed with Exbt. W-9, should have been preserved by the said Employer. While making such submissions, I feel, perhaps, Mr. Consul has misread, misinterpreted and misapplied the entry Register of works with register of workers and as such, claimed the particular records as mentioned earlier, to be retained and preserved for ever. The said employee was really a D.R.M. so serial item 4 of Appendix may not be strictly applicable in his case.

19. Mr. Hussain, appearing for the said Employer claimed that the said employee has not been able to establish duly, his employment for 240 days, by any legal evidence and his further submissions on this aspect, do get corroboration from the findings as made and indicated by me earlier. Apart from Appendix-3 to which reference has been made earlier, Mr. Hussain could not produce any record or the date of actual destruction of the concerned records. But, such failure to indicate the actual date of destruction, would be of no material import or effect, as those records were due to be retained for the periods as mentioned earlier and which periods, have admittedly expired in this case.

20. Thus, on my findings as above, I find that the said employee has not been able to establish duly, his continuous employment for 240 days. So, he will not be entitled to the reliefs as claimed or the benefits, in terms of Exbt. W-6 or for, any reason whatsoever.

21. So the Reference cannot be answered in the affirmative and, in favour of the said employee and as such, the same is rejected.

22. This is my Award.
Dated, Calcutta,
The 24th September, 1993.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 9 नवम्बर, 1993

का. आ. 2630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, सिंडीकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कार्मिकों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के

पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5/11/93 को प्राप्त हुआ था।

[संख्या एल-12012/320/87-डी-2 (ए)]

के. बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 9th November, 1993

S.O. 2630.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 5-11-93.

[No. L-12012/320/87 D II A]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, this 28th day of October, 1993

PRESENT :

Sri. M. B. Vishwanath, B.Sc., B.L., Presiding Officer

CENTRAL REFERENCE NO. 5/88

I Party

General Secretary,
Syndicate Bank Staff,
Association, Anooradha,
Building, A. R. Circle,
S. C. Road, Bangalore-09

II Party :

Chairman and M. D.,
Syndicate Bank,
Head Office,
Manipal-576 119.

By Sri N. G. Phadke, Adv., (By Sri V. H. Upadhyaya, Adv.)

AWARD

In this reference made by the Hon'ble Central Government by its order No. L-12012/320 87-DII(A) dt. 12-2-88 under sec. 10(2A)(1)(d) of I.D. Act the point for adjudication as per schedule to reference is :—

"Whether the action of the management of Syndicate Bank in dismissing from service Smt. S. Sangeethalakshmi, Clerk Zonal Office, Bangalore, is justified? If not to what relief is the workman entitled?"

2. In the claim statement it is contended.—The I party workman who was working as a clerk in the Zonal Office at Bangalore of the II party was terminated from the services by an order dt. 10-10-86 passed by the Asst. General Manager, Zonal Office, Bangalore of the II party for the alleged frauds said to have been committed by her during the period between 15-3-79 and 15-9-79 while she was working as clerk at Jayanagar Branch, Bangalore of the II party. The I party completed the probation period successfully and her services were confirmed. The allegations against the I party workman were :—

- (1) withdrawal of Rs. 2,000 from S.B. A/c. 18110 of Smt. Revathi Balakrishna @ Revathi Arun Kumar on 21-6-79.
- (2) withdrawal of Rs. 300 from joint S.B. A/c 19919 of Smt. C. Kamal and Sri A. Krishna on 3-7-79.
- (3) withdrawal of Rs. 1,000 from S.B. A/c. 20003 of Sri P. K. Vancheeswaran on 11-7-79

The II party conducted the departmental enquiry against the I party and she was ultimately dismissed. The D.E. was held in violation of principles of natural justice. The findings of the Enquiry Officer are perverse. The order of dismissal dt. 10-10-86 is illegal. The I party has to be reinstated with full back wages and other consequential benefits.

3. In the counter statement filed by the II party it is stated :—

It is true that the services of the I party employee were confirmed after the probation period. Only after confirmation it came to light that the I party had indulged in acts of gross misconduct. D.E. held against the I party is proper and valid. It is not true that the principles of natural justice were not followed in the D.E. The report submitted by the E.O. giving benefit of doubt as regards first charge of defaulting of Rs. 2,000 and holding that the other two charges were established is valid. The findings given by the E.O. are legal. The punishment imposed on the I party is proper. The management has lost confidence in the I party workman. The dismissal of the I party is fully justified.

4. My Learned Predecessor has framed a preliminary issue regarding the D.E. on 7th April, 1988.

5. On the Preliminary issue on behalf of the II party M.W.1 who was the enquiry officer has been examined. On behalf of the I party she has got herself examined and closed her case.

6. My Learned Predecessor by his considered order dated 19th September, 1988 has set aside the D.E. He has permitted the II party to adduce evidence to establish the charges levelled against the I party.

7. On merits M.Ws 2 to 10 have been examined on behalf of the management II party. On behalf of the I party W.W.2 has been examined. W.W.1 has been recalled and further examined.

8. The point for adjudication is covered by the schedule to reference.

9. As I have already stated the D.E. held against the I party workman has been set aside by my Learned Predecessor, permitting the II party to prove charges in this Tribunal. It is argued by the Learned counsel for the II party that this Tribunal can look into the evidence or statements adduced before the E.O. in the D.E. This argument does not hold water in view of the law laid down by our Hon'ble High Court. It has been laid down by our Hon'ble High Court in 1978 (1) K.L.J. 130 (Radio & Electricals Mfg. Co. Ltd. v/s. Industrial Tribunal) that "When the D.E. is held invalid and the Tribunal decides to record evidence before it, how the parties should adduce evidence afresh before the Tribunal and the Tribunal cannot rely on the evidence in favour of any party which was adduced in the very D.E. which is invalid". [Please see 1987 (2) L.L.J. 491..... Workmen of Tanganagaon Tea Estate v/s. Management of Tanganagaon Tea Estate and others also].

10. I have set out in para 2, while summarising the claim statement, the charges against the I party workman (Ex. M. 26). The E.O. in her report has given a finding that the first charge against the I party workman was not proved. The case of the II party is that the I party fraudulently withdrew Rs. 2,000 from the S.B. A/c. No. 18110 of Smt. Revathi Bafakrishna @ Revathi Arun Kumar on 21st June, 1979, by obtaining or by causing to be obtained from the branch a withdrawal slip bearing printed Sl. No. 763416 in respect of the above S.B. account. The I party wrote or caused to be written the said withdrawal slip for Rs. 2,000, made debit entries in the respective S.B. account, got the withdrawal slip passed for payment and obtained or caused to be obtained payment under the withdrawal slip. From the charge No. 1 it is clear that II party is not definite about the manner in which the I party drew the amount after getting the withdrawal slip passed for payment. In the charge it is stated that the I party obtained or caused to be obtained payment. Is this not vague? The further case of the II party in respect of first charge is that the I party workman, for

reasons best known to her, wrongly recorded the printed Sl. No. of the withdrawal slip as 763417 instead of 763416 and thereafter destroyed or caused to be destroyed the original withdrawal slip bearing No. 763416 for Rs. 2,000.

11. The charge sheet Ex. M. 26 says that the I party workman destroyed the withdrawal slip under which she "obtained or caused to be obtained payment of Rs. 2,000. M.W.2 Sri-dhara Pai who was the manager of the concerned branch at para 5 is that he tried to trace the withdrawal slip but he workman, who has given detailed evidence, does not say that the I party destroyed or caused to be destroyed the withdrawal slip for Rs. 2,000. What he says in his evidence at para 5 is that he tried to trace the withdrawal slip but he was not able to trace it. In the absence of the withdrawal slip, it is difficult to pin the guilt on the I party workman. No doubt that M.W.2 has stated that the entry Ex. M.4(a) in the folio of S.B. passbook relating to Revathi Arun Kumar is in the handwriting of I party. But this entry is not admitted by the I party. There is no convincing evidence that this entry has been made by the I party workman to cover up the fraudulent withdrawal of Rs. 2,000.

12. Now I take up the second charge. The second charge against the I party workman is that she withdrew Rs. 300 from the joint S.B. account No. 19919 of Smt. C. Kamala and Sri A. Krishna on 3rd July, 1979. On 2nd July, 1979 Kamala was issued with a cheque book said to contain leaves from 143161 to 143170. The book was issued and delivered by I party workman to the depositor. The I party clandestinely removed or caused to be removed from the cheque book the cheque leaf bearing No. 143166 (Ex. M.11) with intent to make dishonest use of the said cheque leaf. While taking the cheque book, the depositor did not verify whether the cheque book contains all the leaves or not. On or about 3-7-79 the I party workman got the said cheque leaf bearing No. 143166 written for Rs. 300, presented or caused to be presented at the branch. Debited the same to the above said depositors' account, got it passed for payment and received the proceeds of Rs. 300 in a mode and manner best known to her. This was noticed by the depositor Kamala when she came to the branch on 18th July, 1979 to withdraw a sum of Rs. 100. When said Kamala made enquiries with the I party workman about the balance in her account the I party workman entered in the pass book the debit entry of Rs. 300 on 3rd July, 1979. Since the particular debit did not pertain to the account of said Kamala, she preferred a complaint to the branch manager immediately and disowned the debit.

13. I have extracted above the substance of charge No. 2 in the very language in which it is stated in the charge sheet Ex. M. 26. The S.B. A/c. was in the joint names of Kamala and Krishna. It is not clear from the charge whether the cheque book was issued to Kamala or Krishna by the I party. The charge does not say that the I party workman herself removed the cheque leaf from the cheque book. The charge says that I party removed or caused to be removed a cheque leaf from the cheque book. Regarding the manner of getting the cheque leaf Ex. M.11 passed and receiving the proceeds, what charge says is that I party got it done "in a mode and manner best known to her". Charge No. 2 is also vague. This aspect militates against the case of the II party.

14. It is clear from the charge sheet that the account holder Kamala gave a complaint to the branch manager regarding the wrong entry in her account on 18th July, 1979. But the branch manager M.W.2 Sridhara Pai has stated in his evidence that the depositor complained to him on 18th September, 1979. Thus there is a serious discrepancy in the charge sheet Kamala gave the adduced. According to the charge sheet Kamala gave the complaint on 18th July, 1979. According to the evidence of M.W.2 Kamala gave complaint on 18th September, 1979. M.W.2 has admitted in his evidence that the Head Office confirmed the services of the I party workman, who was a probationer on 16th September, 1979 on his recommendation. If Kamala had complained on 18th July, 1979 as per charge sheet, I do not think M.W.2 would have recommended to the Head Office to confirm the services of I party. The discrepancy in the dates of complaint lends strength to the argument advanced on behalf of the I party that the say of M.W.2 in his evidence before this Tribunal that Kamala complained to him on 18th September, 1979 is a brainwave to free himself from the blame that he recommended for

the confirmation of the services of the I party workman even though she had committed misconduct.

15. From the discussion above it is clear that Kamala and Krishna are material witnesses to prove the charge in this Tribunal. Neither Kamala nor Krishna had been examined in this Tribunal in the absence of best evidence, it would be proper to implead the I party workman for the mistakes committed by the II party. For the reasons stated in this para and the paras above I hold that the second charge also is not proved.

16. Now I go to charge No. 3. This relates to withdrawal of Rs. 1,000 by I party workman from the S.B. A/c. 20003 of Vancheeswaran on 11th July, 1979. The case of the II party is that the I party workman clandestinely removed from the records of the branch the cheque leaf bearing No. 169931 (Ex. M.23) from the cheque book containing leaves from 169926 to 169950 held in the custody of the concerned supervisory staff of the branch. The I party workman made or caused to be made in the master sheet relating to the account 20003 entry relating to the issuance of cheque book bearing leaves 169926 to 169950 to the depositor knowing fully well or having reasons to believe that the cheque book was not issued to the depositor. On 11th July, 1979 the I party workman presented or caused to be presented to the branch the cheque leaf bearing No. 169931 drawn for Rs. 1,000 on the S.B. account of Vancheeswaran and got passed the cheque for payment and received the payment in a mode and manner "best known to her". On 12th July, 1979 the account holder Vancheeswaran called on the branch to update his pass book. When the pass book was updated and given to him he found that a sum of Rs. 1,000 was withdrawn from his account. Immediately he reported the matter to the branch manager. The branch manager on scrutiny found that the master sheet bore on it a signature of the depositor. When the matter was being investigated further, Krishna Ganiga, Cashier (M.w.4) of the evening session on 12-7-79 found a pay-in-slip alongwith a sum of Rs. 200 on the cash counter for crediting towards the account of Vancheeswaran. On 13-7-79 at about 7.30 a.m. the I party workman went to the branch and clandestinely removed the concerned master sheet from the records of the branch and destroyed it or caused its destruction. Further, the I party requested Nanjappa (M.w.5), sweeper, who was sweeping the branch premises on 13-7-79 not to disclose to anybody I party's visit to the branch in the early hours on 13-7-79. On 14-7-79, it is alleged, the I party workman put or caused to be put a sum of Rs. 400 rolled in a piece of paper in the gents toilet on top of the basin with instruction to credit the amount to the S.B.A/c. of Vancheeswaran. The instructions contained in the piece of paper were written by the I party. This piece of paper has been by oversight marked twice in this Tribunal, once as Ex. M.17 through M.w.2 and again as Ex. M.25 through M.w.5 Guddappa. So Ex. M.17 is equal to Ex. M.25 (rolled paper).

17. Ex. M.23 is the cheque in the name of A/c. holder Vancheeswaran for Rs. 1,000. This has been marked as Ex. M.13 through M.w.2. So Ex. M.13 is equal to Ex. M.23. The then Cashier Krishna Ganiga MW-4 speaks to this. To repeat, the case of the II party is that I party workman got passed the cheque Ex. M.23 for payment and received the cash. It is extremely useful to mention again the exact allegations made by the II party against the I party in the charge sheet Ex. M.26. It is stated in Ex. M.26 that on 11-7-79 the I party workman presented or caused to be presented the cheque leaf bearing No. 169931 drawn for Rs. 1,000 (Ex. M.23) on S.B.A/c. of Vancheeswaran and got the cheque passed for payment and received payment thereunder in a mode and manner best known to her. The charge sheet does not say in what manner I party received the payment. If the I party had received the payment under Ex. M.23 it should have contained the signature of I party on the reverse of Ex. M.23 but Ex. M.23 does not contain the signature of the I party for having received the payment on behalf of the account holder Vancheeswaran. On the contrary it bears the signature of somebody else on the reverse of Ex. M.23 below the signature of the account holder Vancheeswaran.

18. M.w.4 Krishna Ganiga the then cashier has stated in his evidence that when the cheque Ex. M.23 (Ex. M.13) came before him for payment he was the cashier. He has stated that he has entered in cashier's scroll. He has stated that against token No. 61 he paid the amount in respect of Ex. M.23. In the same breath he says that he does not remember to whom he has paid the payment. The evidence of cashier M.w.4 who speaks about the payment made by him at the counter under Ex. M.23 is vague. There is nothing in his evidence to connect the payment under Ex. M.23 to I party workman, though it is alleged in Ex. M.26 that the I party received payment under Ex. M.23. Added to this, the account holder Vancheeswaran has not been examined before this Tribunal to speak to the fact that he has not received the payment under Ex. M.23 (Ex. M.13). There is no evidence to show that the signatures in the name of Vancheeswaran on the obverse and reverse of Ex. M.23 are not those of Vancheeswaran. There is absolutely no evidence to show that the I party received payment under the cheque Ex. M.23.

19. Regarding charge No. 3 the further case of II party is that the I party workman on 13-7-79 at about 7.30 a.m. came to the bank and clandestinely removed the master sheet from the records of the branch and destroyed it or caused its destruction and then requested Nanjappa (M.w.3) who was sweeping the branch premises not to disclose her visit in the early hours to the Bank to anybody. This Nanjappa M.w.3 has given his father's name before this Tribunal as Malyappa. But in his statement before the police he has given his father's name as Maligappa. The enquiry proceedings file has been marked by my Learned Predecessor as Ex. M.1. The Statement of this Nanjappa before the D.E. is found at page 105 of enquiry proceedings. Here this Nanjappa has given his father's name as Muniyappa. He has gone on changing his father's name for reasons best known to himself. He was warned the Tribunal, through this discrepancy to carefully scrutinise his evidence.

20. In his evidence before this Tribunal Nanjappa M.w.3 has stated that Siddappa was working as a sweeper in the II party branch and when Siddappa went on leave, he (M.w.3) was appointed temporarily in his place. He has stated that he worked for one month in July, 1979. He has stated that on 13-7-79 I party came at 7.30 a.m. to branch when he was sweeping. He has stated that I party workman went to bath room and returned. When she was leaving the office she told him (M.w.3) that if anybody asked him whether she had come he should tell them that he did not know. M.w.3 has stated that the Manager sent for him in the evening and asked him who had come first to the office in the morning and he told the Manager that he did not know the name but a lady had come and that he could identify her. M.w.3 has stated that I party workman was sent for and she came to the chambers of the Manager and he (M.w.3) identified her as the person who had come early in the morning. He has admitted that the Jayanagara police enquired him. His statement before the police has been marked as Ex. M.21. When the contents of Ex. M.21 were read over to M.w.3 he admitted that he has put L.T.M. to Ex. M.21. His statement before police is vague. In his statement before the police M.w.3 has not stated that the lady told him not to disclose her name if anybody enquired him. He has not stated before the police that the Manager sent for him in the evening and he identified before the Manager that the lady was the I party. It is obvious that M.w.3 is not coming out with truth before this Tribunal and he has given evidence to help the II party. II party has not produced any document to show that M.w.3 was appointed temporarily in the absence of the regular sweeper Siddappa. For the aforesaid reasons I am of opinion that the third charge against the I party fails. Thus the charges are not proved against the I party workman.

21. The Learned counsel for the II party relied on 1977 (2) S.C.C. 491 (State of Haryana and another v/s. Rattan Singh) wherein it has been laid down by the Hon'ble Supreme Court that in a D.E. all the strict and sophisticated rules of evidence may not apply. I would have applied this authority of the Hon'ble Supreme Court if the signature of Vancheeswaran in the cheque Ex. M.23 were admitted by the I party. It should be borne in mind that the Supreme Court has been pleased to observe that the Tribunals must be careful in evaluating such material and should not glibly swallow what

is strictly speaking not relevant under the Evidence Act. The Learned counsel for the II party has relied on 1978 (1) Kar. L.J. 245 (Motor Industries Co. Ltd. v/s. Adinarayana nappa and another) to impress upon me that the Tribunal could look into the evidence or statements recorded before the D.E., even though the D.E. is set aside by the Tribunal. I have carefully and respectfully gone through this authority of our Hon'ble High Court. Our Hon'ble High Court has interpreting standing order 22. This authority is not helpful to II party.

22. The Learned counsel for the II party relied on 1990 F.J.R. (77) 376 (Kottarakkara Co-Operative Urban Bank Ltd., v/s. A. Sreenivasan and another) wherein the Kerala High Court has laid down that even whether charges are not established reinstatement of a workman is not the invariable rule. The Learned counsel contended that the II party lost confidence in the I party workman and so reinstatement should not be ordered. It has been laid down by Bombay High Court in 1984 (1) L.L.J. 203 Vinayaka Bhagwan V/s. Kismet Ltd.) that whether the termination of services of employees was on the ground of any loss of confidence, reinstatement cannot be refused on the ground that the employer had no confidence in the employees. I am of opinion that this Tribunal cannot refuse reinstatement of I party workman.

23. For the aforesaid reasons I hold that the action of the II party in dismissing the I party workman is not justified. The I party workman is entitled to be reinstated.

24. Though I have come to the conclusion that the I party should be reinstated, I am not prepared to say that the I party is a paragon of integrity. Secondly and more importantly : my Learned Predecessor rejected the prayer of the I party workman for interim relief. Our Hon'ble High Court was pleased to set aside that order and grant full wages as interim relief. After that relief was granted by our Hon'ble High Court, the I party workman has dragged on this case. For these reasons I am not inclined to grant backwages to I party workman.

25. All other documents and evidence not referred to by me above are not relevant. In any case they do not alter my conclusions reached above. In fact most of the evidence is formal. Neither of the Advocates referred to all the documents and all the evidence.

ORDER

The order of dismissal of the I party workman is set aside. The II party is directed to reinstate the I party workman forthwith with continuity of service. No backwages. It is made clear that the II party is not entitled to recover the amounts paid towards interim relief. Reference accepted as stated herein. Award passed accordingly. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 28th day of October 1993).

M. B. VISHWANATH, Presiding Officer,

नई दिल्ली, 9 नवम्बर, 1993

का. आ. 2631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डी. आर. एम. उत्तर रेलवे, अम्बाला कैंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार 8/11/93 को प्राप्त हुआ था।

[सं. एल-41011/10/91-आई. आर. (डा. पू.) (पार्ट)]
के० वी० वी० उष्णी, डेस्क अधिकारी

New Delhi, the 9th November, 1993

S.O. 2631.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of DRM, Northern Railway, Ambala Cantt. and their workmen, which was received by the Central Government on 8-11-1993.

[No. L-41011/10/91-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 175/91

Prem Chand Bhisty & Ors. Vs. Northern Railway

For the workman : None.

For the Management : Sh. P. P. Khurana

AWARD

Central Govt. vide gazette notification No. L-41011/10/91-I.R. (D.U.) dated 19-11-91 issued U.S. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Divisional Railway Manager, Northern Railway Ambala Cantt. in not allowing the promotions to the post of M.C.E. to Sh. Prem Chand Bhisty, Ashok Kumar, Mathura Prasad, Paipal Singh and Karan Bahadur Gangmen, is justified. If not, what relief the workers concerned are entitled to and from what date?"

"Whether the action of the management of D.R.M. Ambala Cantt. in terminating the services of Shri Assa Ram S/o Sh. Lalu Ram, Casual Labour w.e.f. 8-10-89 is justified? If not, what relief he is entitled to and from what date?"

2 Repeated registered notices were sent to the petitioner right from 2-5-1992. The petitioner did not put up appearance despite registered notices. Thus vide order dated 17-5-1993 the management was asked to lead the evidence.

Mr. P. P. Khurana appearing on behalf of the management also made statement that the particulars and the facts of the case not available with the management and thus no evidence can be led. After perusing the file it has been noticed that upon having not put up appearance, even the statement of claim also not placed on the record for which obviously the management is not in a position to lead evidence in absence of any particular and facts of the case.

It seems that the petitioner is not interested to pursue his case upon having failed to appear for nearly two years despite registered notices. Therefore, this Court can not help except to return this reference for non-prosecution/no dispute Award.

Chandigarh.
25-10-1993

ARVIND KUMAR, Presiding Officer,

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2632.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेलीकाम फैक्ट्री बम्बई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई के रजिस्ट्रार को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[सं. एल-40012/138/90-आई आर (डी यू.) (पी. टी.)]
के. बी. बी. उण्णा, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Factory, Bombay and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-40012/138/90-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY.

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-7 OF 1991

PARTIES :

Employers in relation to the management of Telecom Factory, Bombay.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri Kadam, Officer.

For the Workmen : Shri Oke, General Secretary.

INDUSTRY : Telecommunications.

STATE : Maharashtra.

Bombay, the 28th day of of Labour, New Delhi

AWARD

The Government of India, Ministry of Labour, New Delhi by letter dated 23-1-1991 referred the following dispute to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947.

'Whether the action of the management of Telecom Factory, Department of Telecommunication, Bombay in denying promotion to the post of fitter (Instrument) Gr. I (Senior) to Shri W. L. Sansare No. 7711, who is a SC candidate and whether the promotion of Shri W. A. Waghmare, No. 8114 who is unreserved justified after considering his candidature as SC at a later stage is justified? If not, to what relief the concerned workman is entitled to?'

2. The parties to the dispute have filed statement of claim and written statement thereto. Following undisputed facts would be set-out, for one to understand the actual grievance.

3. The Government of India, Ministry of Communication, Department of Telecommunication finalised a scheme for grant of 20% selection grade posts to all the skilled cadres in the Telecom Factory. A notification declaring the vacancies of Fitter (Instrument) Grade I (Senior) was issued by the employer, and a trade test was held on 15-11-1985 by the local trade test board. Certain number of vacancies were reserved for the Scheduled Caste/Scheduled Tribe candidates. It was stated in the notification that the candidates belonging to Scheduled Caste/Scheduled Tribe and who are seeking benefit should submit alongwith their application, certificates to show they belonged to Scheduled Caste/Scheduled Tribe. The results were declared and as against the names

of the successful candidates their castes were mentioned. As a result of the retirement of one Mr. Sonavane with effect from 30-6-1987, a vacancy arose with effect from 1-7-1987. That post was to be filled in by promoting an eligible candidate belonging to Scheduled Caste. Accordingly, Shri Waghmare, at serial No. 35 came to be promoted in the place of Shri Sonavane. Shri Sansare, at serial No. 37 who belonged to Scheduled Caste claims that he should have been promoted instead of Shri Waghmare, who was at the time of declaration of results, not shown to be belonging to Scheduled Caste.

4. Thus, the admitted position is that, Shri Waghmare is senior to Shri Sansare, but was not shown to be a Scheduled Caste candidate in the notification that came to be published alongwith the results of the Trade Test. But, Shri Sansare was shown to be a Scheduled Caste candidate in the said notification. According to him (Sansare), Shri Waghmare had not produced the necessary proof in support of his Scheduled Caste at the time when he applied, and therefore, could not have been considered for the vacancy meant for a Scheduled Caste candidate. As against this, the submission made on behalf of the management by Mr. Kadam, Personnel Officer is that subsequent to the notification, Shri Waghmare produced necessary proof in support of his Scheduled Caste and that was entered in his service record, and since he was declared subsequently eligible for promotion to the vacancy, he was promoted in the vacancy created by the retirement of Shri Sonavane Dama Bapu. He admitted that at the time of his application and at the time of publication of the notification dated 2-12-1985, Shri Waghmare had not submitted any proof. He referred to chapter 13 of the Brochure on reservation for Scheduled Caste/Scheduled Tribe in service (7th Edition). This chapter deals with verification of claims made by the Scheduled Caste/Scheduled Tribe candidates. Clause 13.1 states :—

"Any of the following certificates may be accepted by the appointing authority as sufficient proof in support of the candidate's claim as belonging to Scheduled Caste/Scheduled Tribe :—

(i) Matriculation or School Leaving Certificate or the birth certificate giving the caste or community of the candidate and place of residence.

(ii) A certificate in the form given in Appendix 14 issued by the authorities listed in appendix 15."

It has been stated at the end of that chapter on page 203 that the appointing authority should verify the caste status of an SC/ST Officer at the time of initial appointment and at the time of promotion against vacancy reserved for SC/ST. The submission of the management is that Shri Waghmare had produced certificate regarding caste and place of residence, and the management was satisfied that it was correct. A copy of the certificate is produced on record and it says that he belonged to Mahar Community, and in the state of Maharashtra, Mahar Community has been included in the list of Scheduled Caste which can be seen from Appendix 20, page 374, at Sl. No. 37. In the circumstances, the contention is that, he was rightly promoted.

5. It was submitted on behalf of the workman that there should have been a fresh notification issued by the management showing as against Shri Waghmare, his belonging to Scheduled Caste, since he was not shown to be so, at the time when the notification was issued. I do not see any force in this submission. At the time of his appointment, Shri Waghmare was proved to be belonging to Mahar Community a Scheduled Caste and was entitled to the post on roster created by the retirement of Shri Dama Bapu and was rightly appointed.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer.

नई दिल्ली, 10 नवम्बर, 1993

का. घा. 2633.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोएक्सिग्रल मैनेटेनेन्स, टेलीकाम, नेलोर के प्रबन्धतंत्र

के संबद्ध निरीक्षणों और उनके कार्यकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[सं० एल-40012/162/91-आई.आर. (डी.यू.) (पी.टी.)]

के. वी. बी. उन्नी, ईस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Coaxial Maintenance, Telecom, Nellore and their workmen which was received by the Central Government on 9-11-1993.

[No. L-40012/162/91-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer.

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Shri Y. Venkatachalam, M.A., B. L., Industrial Tribunal—L.

Hyderabad : 20th day of October, 1993

INDUSTRIAL DISPUTE NO. 10 OF 1992

BETWEEN :

N. Gopal S/o. N. Seshiah, 30 years, Ex-Mazdoor, Southern Telecom Region, R/o. Naidupet, Nellore District. .. Petitioner

AND

The Divisional Engineer, Coaxial Maintenance Telecom Nellore. .. Respondent.

APPEARANCES :

Shri V. Sudhakar Reddy, Advocate for the Petitioner.

Shri P. Damodar Reddy, Advocate for the Respondent

AWARD

The Government of India, Ministry of Labour, by the Order No. L-40012/162/91-IR (DU), dated 21-2-1992 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Divisional Engineering Coaxial Maintenance, Telecom, Nellore and their workmen to this Tribunal for adjudication :—

"Whether the action of the management of Coaxial Maintenance Telecom, Nellore (AP) in abruptly stopping Shri N. Gopal, Mazdoor, from service w.e.f. 11-11-1985 is justified? If not, what relief he is entitled to?"

This reference was registered as Industrial Dispute No. 10 of 1992 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows :—

The Petitioner submits that he was initially appointed as Part time Mazdoor by the Assistant Engineer, Coaxial Maintenance Naidupet, (presently the unit is at Sullurpet) Nellore District by an order dated 13-12-1983. He worked as such till 31-5-1984 continuously. After that he was appointed as full time Mazdoor from 1-6-1984. He worked in Route Petroling and assisting junior Engineer. Since 1-6-84 till 31-3-1985. From 1-4-1985 he worked at Coaxial Station at

Naidupet for Coaxial Station cleaning, equipment cleaning etc. He worked continuously without any break since the date of his appointment upto 10-11-1985. The Petitioner submits that there was no adverse remarks against him. During the period of his employment. He has worked more than 699 days as Mazdoor. While so to the utter surprise of the Petitioner, when he was about to leave the premises after completion of his duties on 10-11-1985 the subordinate of the Respondent i.e. the then Assistant Engineer, Coaxial Maintenance Naidupet, instructed the petitioner orally not to come to the duty from 11-11-1985. It is submitted that the illegal stoppage of the workman amounts to retrenchment under Section 2(oo) of the Act. Further no notice contemplated under Section 25-F of the I. D. Act was served on the petitioner or no wages in lieu of notice were paid. It is submitted that neither the retrenchment compensation was offered nor paid to the petitioner. While terminating the services of the Petitioner, his juniors one Mr. P. Narasimha Murthy and one Mr. Bhaskar were continued. Hence the action of the Respondent is violative of Section 25-F and 25-G of the Act. Hence the retrenchment of the Petitioner is illegal and he is deemed to be in continuous service and entitled for all the back wages and other benefits including re-instatement. As the petitioner is a workman and he has worked for more than 240 days continuously in a preceding 12 months immediately before his illegal stoppage, the Respondent ought to have complied with the procedure laid down under Section 25-F of the Act. There are several vacancies in the Respondent organisation and the illegal stoppage of the petitioner was not for want of vacancies, but to deprive him the permanent employment. It is submitted that the Assistant Engineer, Coaxial Maintenance, Naidupet (now at Sullurpet) who was incharge of the Respondent's unit at Naidupet while stopping the petitioner from duty he promised that he will take him back to duty after some time. But the said Assistant Engineer failed to keep up his promise in spite of several requests made by the petitioner in person. This illusion kept the petitioner away from the Courts of law for about 3 years. Hence it is just and necessary that the Respondent be directed to reinstate the petitioner with all consequential benefits including the back wages. It is prayed that this Hon'ble Tribunal may be pleased to declare the action of the Respondent in stopping the petitioner from duty from 11-11-1985 as illegal and consequently direct the Respondent to reinstate the petitioner into service with all consequential benefits including back wages and pass the award accordingly.

3. The brief facts of the counter filed by the Respondent read as follows : It is submitted that this Hon'ble Court/Tribunal has no jurisdiction since Section 14 of the Central Administrative Tribunals Act says that powers and authority of all Courts except the Supreme Court had been vested in the Central Administrative Tribunal and as such the Hon'ble Court has no power to entertain the plea of Casual employees concerning the service conditions. It is denied that all the allegations of the Petitioner as incorrect except which are specifically admitted herein and the petitioner is put to strict proof of the same. The Petitioner as filed original application No. 688 of 1988 alongwith Misc. Application No. 506 of 1988 before the Central Administrative Tribunal, Hyderabad Bench and after hearing both the parties the said Hon'ble Court dismissed the application by its orders dated 4-11-1988. The decision of the Central Administrative Tribunal, Hyderabad Bench operates as res judicata and as such the present case is liable to be rejected on this ground alone. The allegation that the services of the Petitioner were terminated with verbal orders w.e.f. 11-11-1985 is false and baseless. The Petitioner himself did not turn up for duty after 11-11-1985 voluntarily on his own accord without informing the Assistant Engineer Coaxial Maintenance, Naidupet, Nellore District. The petitioner never made any representation excepting the one dated 5-10-1988 addressing it to the Director, Maintenance, Madras. This clearly goes to show that the Petitioner has not made any effort continuously for a period of nearly 3 years regarding his employment. The petitioner having absconded from duty, made an attempt to gain wrongfully afterwards with a mala fide intention. The Petitioner was engaged as a part time Mazdoor work on 3 hours daily, on temporary basis, from 13-12-1983 to 15-3-1984 and 1-4-1984 to 31-5-1984. From 1-6-1984 he was engaged as a daily rated casual mazdoor on temporary basis for co-axial cable/equipment maintenance and associated duties in Naidupet Co-axial Maintenance Sub-Division. The

petitioner also deliberately failed to mention the factum of filing of a case and its dismissal before the Central Administrative Tribunal, Hyderabad Bench in his claim statement dated 24-7-1992 before this Hon'ble Court. I submit that my Department is neither a factory nor an industry. The Officials of Factories Department or Industries Department have not required me to obtain a licence till this day, I am advised to submit that the provisions of Labour and Industrial Laws are not applicable to my Department. Even the Officials of Labour, E.S.I., P.F. and other Labour Welfare Departments have not required me to obtain the registration or licences for carrying on the works my Office till this day. In the absence any positive directions from the concerned statutory authorities it is very difficult to say that the Labour and Industrial Laws are applicable to my department. That there are no merits in the claim of the petitioner. There is a ban on the recruitment in the department. It is therefore prayed that the Hon'ble Court may be pleased to hold that the petitioner is not entitled to claim any relief in the present industrial dispute.

4. The point for adjudication is whether the action of the Respondent—Management in abruptly stopping Shri N. Gopal, Mazdoor from service w.e.f. 11-11-1985 is justified?

5. W. W-1 and W. W-2 were examined on behalf of the Petitioner workman and marked Exs. W-1 to W-8. On the other hand M. W-1 was examined on behalf of the Respondent—Management and marked Exs. M-1 to M-4.

6. W.W1 is N. Gopal, He deposed that he was appointed in the Respondent-Company on 13-12-1983 as Part-time Mazdoor. Ex. W1 is the appointment order. He was appointed full time mazdoor on 1-5-1984. He was working under Asst. Engineer, Jr. Engineer and Cable Joiner of Telecommunication Department. He was given certificate by the Asstt. Engineer Co-Axial Maintenance Naydupet on 21-12-85 for the period of 155 days in which he worked as Part-time Sweeper. Ex. W2 is the said certificate. He was given certificate by the Junior Engineer Co-axial Maintenance dt. 1-12-84 for the periods Part-time mazdoor from 13-12-1983 to 31-5-1984 and Full time mazdoor from 1-6-1984 to 30-11-1984. Ex. W3 is the said certificate. Cable Joiner is my immediate Superior. The Cable Joiner has also issued the Service Certificate to him for the entire period he worked in the Department. Ex. W4 is the said certificate. He worked upto 10-11-1985. He was removed from service with effect from 11-11-1985. At the time of removing him, no order was given. He was not given any charge sheet or memo before his removal. No enquiry was conducted against him. Orally on the evening of 10-11-1985 he was informed by the Asst. Engineer Co-axial Maintenance Naydupet that his services were not required from 11-11-1985. At the time of removing him orally Jr. Engineer and Cable Joiner were present. He worked in the department for a total period of 679 days. Prior to his termination one month's notice was not served on him. No payment was paid to him. No retrenchment compensation and one month's notice pay in lieu of notice were paid to him. At the time of his termination, his juniors were working continuously and they were not terminated. Mr. Bhaskar and Narasimha Murthy were working at the time of his termination. Mr. Bhaskar was appointed in the month of February, 1985 and Narasimha Murthy was appointed in the month of June, 1985 on daily wages basis. After his termination, he met the Asstt. Engineer by name Sri P. Prabhakar and requested him to take him into duty. He promised him that he would be taken into duty after sometime. He made to wait for two years as he was requesting for 2 years. Finally he said that he will not take him back into service. Thereafter he gave representation to the management requesting to take him into service. Ex. W5 is the said representation. Then he filed a case before the Central Administrative Tribunal. At the admission stage, the Central Tribunal dismissed his case, under Ex. W6. He did not mention about the contents of Ex. W6 in his claim statement. The matter he raised a dispute under Ex. W7. The conciliation failed. He is filing his service register which is Ex. W8. After his removal from service he tried to secure a job but he failed to get any job till this day. He filed this ID for reinstatement with all attendant back wages. His juniors were still continuing in the department.

7. W.W2 is one B. Srinivasulu. He deposed that he was working as Cable Joiner in the Respondent-Department. Since 3-1-1965 he was working in the Department as Line-

man. He was promoted as Cable Joiner in the year 1979. He knows W.W1. He worked under him. Ex. W4 was issued by him to W.W1. W.W1 was terminated from service from 11-11-1985. No order was given to W.W1 at the time of his termination. No enquiry or Disciplinary action was taken against him. He knows Bhaskar and Narasimha Murthy who were working in the Department. They are juniors to the workman (W.W1). Even today they are continuing in service in the same department.

8. M.W1 is P. Prabhakar. He deposed that since 1958 he is working in the Respondent-Department. Since 1975 he is working in the Respondent-Office and he was promoted in 1983 December as Asst. Engineer. He is looking after the present case on behalf of the Department. As per Ex. M1 the petitions filed O.A. in the Central Administrative Tribunal. The Department has filed counter in the said O.A. 688 of 1988 in the Central Administrative Tribunal. Ex. M2 is the said counter. The Central Administrative Tribunal Hyderabad Bench has dismissed the said O.A. as per Ex. W5 judgement dt. 4-11-1988. As per Ex. W7 the petitioner filed a representation to the Asst. Labour Commissioner (Central) Vijayawada raising the present I.D. As per Ex. M3 the Respondent has submitted his views to the conciliation officer and also brought to his notice that the case filed by the petitioner before the Central Administrative Tribunal was dismissed. On behalf of the Department Sri V. Pradhama Reddy, Asst. Engineer participated in the conciliation meeting and Ex. M4 is a copy of the minutes of the conciliation proceedings. From 11-11-1985 onwards the petitioner is absconding from work and not reporting for duty. He has not terminated his services at any time. After 700 days from 11-11-1985 he claimed the re-employment and sent Ex. W5 representation to the Respondent-Department. From 11-11-1985 to 5-10-1988 he has not evinced interest either by approaching the officer in person or through the written representation. Within one week from the date of receipt of Ex. W5 representation by the Department the petitioner filed a case in the Central Administrative Tribunal for claiming reinstatement and back wages and that the said case was dismissed on merits by the Central Administrative Tribunal.

9. In this case there is no dispute with regard to the recruitment of the Petitioner-workman in the Respondent-Telecom and also the period of employment of the Petitioner from 13-12-1983 to 10-11-1985 as part-time mazdoor as well as full time mazdoor, i.e. the petitioner has worked for more than 699 days as Mazdoor. The contention of the Petitioner is that when the petitioner was about to leave the premises after completion of his duties on 10-11-1985 the Subordinates to the Respondent i.e. the then Assistant Engineer, Coaxial Maintenance Naydupet instructed the Petitioner orally not to come to the duty from 11-11-1985, that no further notice contemplated under Section 25-F of the ID Act was served on the petitioner or no wages in lieu of notice pay were paid; that neither the retrenchment compensation was offered nor paid to the petitioner. The action of the Respondent is violative of Section 25-F and 25-G of the ID Act. The further contention of the Petitioner is that his juniors, by name P. Narasimha Murthy and one Bhaskar were continued in service. Hence the retrenchment of the petitioner is illegal, arbitrary and he is deemed to be in continuous service and entitled for all the back wages and other benefits including reinstatement.

10. The case on the other hand the contention of the Respondent is that the Petitioner himself did not turn up for duty after 11-11-1985 voluntarily on his own accord without informing the Assistant Engineer Coaxial Maintenance, Naydupet. The further contention of the Respondent is that the Petitioner never approached the official of the Department after 11-11-1985 with a request to take him back to duty. They denied the allegation that they have asked the petitioner to stay away from work and that the said verbal orders amount to termination of his services.

11. The arguments of the counsel for the petitioner that while stopping the petitioner from duty the then Asst. Engineer (who was examined as M.W1) Coaxial Maintenance, Naydupet, who was the incharge of the Respondent's Unit of Naydupet had promised that he will take the petitioner back to duty after some time. The Petitioner had approached MW-1 several times with a request to take him

back to duty. But M.W.1 was postponing the issue one way or the other. As M.W.1 did not take the petitioner on duty, the petitioner submitted a representation dt. 5-10-1983 marked as Ex. W5 to the Management. Thereafter the Petitioner raised the present dispute which culminated into present reference. The arguments of the counsel for the Petitioner-Workman that there are no laches on the part of the Petitioner as he was promised by M.W.1, the then Assistant, to take the petitioner to duty and the petitioner was approaching M.W.1 and finally M.W.1 did not keep up his promise and refused to take the petitioner to duty immediately the petitioner filed Ex. W5 raising an Industrial Dispute. I find that there are no laches on the part of the Petitioner and the question of dispute is barred by limitation does not arise. The next argument of the counsel for the Petitioner that the Petitioner-workman who had worked continuously for about 699 days i.e. from 13-12-1983 to 10-11-1985, the petitioner is entitled for the benefits of the same as he had worked for more than 240 days during the period of 12 calendar months preceding the date of retrenchment. The Petitioner was illegally retrenched by M.W.1 without following the procedure contemplated under Section 25-F of the I.D. Act even when the petitioner was entitled for the benefits of the same. It is evident from Ex. W8 the muster was closed on 10-11-1985 itself and the same was admitted by M.W.1 in his cross-examination. Though it was stated in the counter and in the evidence of M.W.1 that the petitioner himself has absconded from work from 11-11-1985, the Management has not initiated any action against the petitioner after calling upon him to explain for his absence. It goes to show without saying that the Petitioner was illegally retrenched from service with effect from 11-11-1985 and the petitioner did not absconded as alleged by the Respondent. Further from the evidence of M.W.1 and W.W.2 and from cross examination of M.W.1, it is very clear that the petitioner was illegally retrenched from service in violation of Section 25-F and 25-G of the I.D. Act while continuing petitioner's Juniors, namely, one Sri Bhasker and Sri P. Narasimha Murthy, who were engaged from 16-11-1985 in the place of the petitioner (as evident from the cross examination of M.W.1). Moreover a thorough reading of Ex. W8 the Attendance Register maintained by the Respondent Telecom would indicate that the Muster is signed by W.W.2 and M.W.1 at the end of every month whereas it is surprising to note that for the month of November, 1985 the said Muster roll was closed by 10-11-1985 i.e. middle of the month and signed by W.W.2 and M.W.1 on the same day i.e. on 10-11-85 (as accepted by M.W.1 in his cross examination) but actually seeing W.W.2 and M.W.1 should have signed on the last day of the month or closing of the month. Thus it is clear from this fact that M.W.1 had stopped the Petitioner from attending the duties from 11-11-1985 and paid the wages upto 10-11-1985 on 10-11-1985 itself. The question of the petitioner absconding does not arise now as alleged by the Respondent. Hence closing the muster roll by 10-11-1985 itself and not continuing the name of the petitioner amounts to retrenchment, under the circumstances of the case.

12. The contention of the Respondent in their counter that the present industrial dispute is barred by limitation and it is a state claim. It is submitted by the Petitioner-workman that the time limit is not prescribed anywhere in Industrial Disputes Act, 1947 for raising the dispute. Hence the plea of the Respondent that the dispute is barred by limitation is not sustainable and the Government of India would not have referred this dispute for adjudication to this Tribunal. In support of the above case, the Petitioner-workman filed xerox copy of the judgement reported in K. Rama Rao v. The Chief Executive (Mills) Nellimarla Jute Mills and Others (1993)(1) A.L.T. (page 29) wherein it is held :

"As admittedly there is no period of limitation for challenging the order of dismissal etc., before the forum constituted under I.D. Act, and by incorporation of Section 2-A(2), the workman is given a right to directly approach the labour Court to ventilate his grievance in case of dismissal, removal or discharge instead of moving the State Government for reference, and as there are no express words in Section 2-A(2) nor it can be construed by implication that Section 2-A(2) cannot be invoked in regard to the order of dismissal etc., which was passed prior to the date of incorporation of Section 2-A(2).

it has to be held that it can be invoked to challenge even the order of dismissal etc., of the date earlier to 27-7-1987, the date on which Andhra Pradesh Act, 34/87 had come into effect."

In view of the above decision, the delay in challenging the order of retrenchment can be taken into consideration for moulding the relief if the Tribunal finds that the order of retrenchment is illegal. Here in this case there is no much time lag the question of limitation does not apply. So in view of all the facts and circumstances of the case, I am of the clear view that the termination of the service of the Petitioner from 11-11-1985 is illegal and unjustified.

13. In the result, the action of the Management of Coaxial Maintenance, Telecom, Nellore (AP) in abruptly stopping Sh. N. Gopal, Mazdoor from service with effect from 11-11-1985 is not justified. Sri N. Gopal is entitled to be reinstated into service with all consequential benefits including back wages from the date of termination i.e. 11-11-1985.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 20th day of October, 1993

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence.

Witnesses Examined for the Workmen :	Witnesses Examined for the Management :
W.W.1 N. Gopal	M.W.1 P. Prabhakar
W.W.2 B. Srinivasula.	

Documents marked for the Workman :

- Ex. W1 13-12-83 Appointment Order issued to the Petitioner (PW1).
- Ex. W2 21-12-85—Certificate given by Coaxial Engineer (Maintenance-I) with regard to working of 155 days.
- Ex. W3 1-12-84—Service Certificate issued to the Petitioner by Jr. Engineer Coaxial Maintenance Naidupet.
- Ex. W4 30-11-85—Service and Conduct Certificate issued to the Petitioner by Cable Jolter Coaxial Repeater, Stn. Naidupet.
- Ex. W5 5-10-88—Representation made to the G.M., South Telecom Region.
- Ex. W6 4-11-88—Order of the C.A.T. in M.A. No. 506/88 in O.A. No. 688/88.
- Ex. W7 6-2-89—Representation to A.L.C.
- Ex. W8—Service Register of the Petitioner (PW1).

Documents marked for the Management.

- Ex. M1—Xerox copy of application in M.A. No. 506/88.
- Ex. M2—Xerox copy of counter in M.A. No. 506/88.
- Ex. M3—Xerox copy of the views submitted to the A.L.C., Vijayawada
- Ex. M4—Xerox copy of the minutes before the Conciliation Officer.

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2634.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कंट्रोलर आफ डिफेन्स एकाउन्ट्स, खंडीगढ़ के प्रबंधक के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण खंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[एल-14012/3/88—डी-2 (बी) (पीटी.)]

के. वी. बी. उष्णी, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Controller of Defence Accounts, Chandigarh and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-14012/3/88-D II (B) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 156/89

Miss Navkiran

Vs.

Controller of Defence Accounts

For the workman—Shri N. K. Nagar.

For the management—Shri Madan Mohan.

AWARD

Central Government vide Gazette Notification No. L-14012/3/88-D.II (B) dated 5th October 1989 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Controller of Defence Accounts Chandigarh in terminating the services of Miss Navkiran, Sales Girl and Accounts Asstt. in their unit canteen w.e.f. 1-12-87 is legal and justified ? If not, what relief to the concerned workman entitled and from what date ?”

2. Brief facts as enumerated in the statement of claim that the petitioner was appointed as Sales Girl-cum-Accounts Assistant in the Union Canteen (CSD) in the office of Controller of Defence Accounts Western Command w.e.f. 5-3-1984 at the fixed salary of Rs. 500 per month for the period of six months. She earned two increments of Rs. 18 w.e.f. 2-4-1986 and Rs. 100 w.e.f. 29-7-1987. Her services were terminated w.e.f. 13-11-1987 on the ground that there was decline in income of the canteen. Her contention is that she worked continuously from 5-3-1984 to 13-11-1987 and completed 240 days and have not paid any retrenchment compensation and pay in lieu of notice in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947. She has also alleged that there was no decline in the income of the CSD Canteen. She alleges that CSD Canteen is an industry defined under the Industrial Disputes Act 1947. She has thus sought re-instatement with continuity of service alongwith full back wages and all the consequential benefits.

3. The management has taken the preliminary objection that the CSD Canteen is not an industry and the reference is not maintainable. In support of this plea it has been stated that it is a welfare section and can not come in the definition of 'Industry' being canteen is meant for supply of CSD goods to personnel of this office only who being defence civilians are entitled to CSD goods, procured/supplied by the Canteen Store Department (Ministry of Defence, Government of India). On merits the plea has been taken that CSD Canteen are authorised only to regular units of the army/ Navy/Air Force and certain other eligible units as per order 584 of 1973. The stores for CSD canteen are only to be procured from canteen store department under canteen store deptt (Ministry of Defence) and not for trade or any other source. The goods are sold to only entitled defence personnels including staff of CSD being defence civilians and not to any other category of persons. The price recorded therein are uniform throughout the country and runs with very low margin as 2% to 5 per cent. The petitioner was appointed for a period of six months due to the paucity of regular establishment to man this section. She continued beyond six months due to non-improvement of overall staff position. Her services were terminated due to improvement of staff

position and availability of the staff to run the canteen and on account of the decline in the income of the canteen. Further stand of the management that the canteen is not an 'industry' as defined in para 2(5) of the Industrial Disputes Act, 1947 being the same is welfare mean for the armed personnels and sought the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. The petitioner filed her affidavit Ex. W-1 in evidence. The management produced Shri S. C. Malhotra Asstt. Accounts Officer CDA. He filed his affidavit Ex. M-1. He admitted that the petitioner had continued in the service from 5-3-1984 to 30-11-1987. He has also admitted that retrenchment compensation was offered somewhere in 1989. The respective parties closed their evidence.

6. I have heard both the parties gone through the evidence and record.

7. Learned counsel for the petitioner at the outset argued that admitted the petitioner had worked from 5-3-84 to 30-11-1987 and she was not paid retrenchment compensation and pay in lieu of notice at the time of retrenchment and thus she is entitled for reinstatement with full back wages on account of the violation Under Section 25-F of the Industrial Disputes Act, 1947. There is no dispute that the petitioner had worked continuously from 5-3-1984 to 30-11-1987 and her retrenchment is in violation of Section 25-F of the I. D. Act but question involve in this case is whether Canteen Store department falls within the definition of 'industry' under the Industrial Disputes Act, 1947. The learned counsel for the petitioner has referred the case of the management of Punjab, Haryana, H.P. Area Army Canteen Ambala Cantt Vs. State of Haryana and others 1992 (3) R.S.J. page 197 and has argued that it has been held in the said judgement that the Canteen Store Department is an 'Industry'. The said citation referred by the counsel for the petitioner is no help to the petitioner being the operation of the said judgement has been stayed vide order dated 30-7-1993 by the Division Bench of the Punjab and Haryana High Court in LPA No. 196 of 1993. The copy of the said stay order has already been placed on the file. In this situation when the operation of an order is stayed as held by the Hon' Supreme Court in Smt. Indira Nehru Gandhi Vs. Raj Narain and others reported in 1975 Supreme Court 1590 its effect is that the same stands nullified and has rendered non-existent with the result that the situation available prior to the passing of that order has to be restored.

8. This Court in earlier decision has already held that the canteen store department does not fall within the definition of 'Industry' under the Industrial Disputes Act, 1947. The petitioner in the present case also admitted in her cross-examination that the canteen store department only cater to the defence personnels. There is also no suggestion to the management's witness to the effect that the canteen store department falls under the definition of 'Industry' of the Industrial Disputes Act, 1947. There is also no cross-examination to the averment made by the management's witness in re-examination that there is no separate recruitment for the canteen store department. The regular staff working with the armed forces diverted to the canteen store department. It is also admitted by the petitioner that the canteen store department is a wing which only cater to the armed forces. No doubt that the petitioner was not otherwise subjected to the military law and although she was non-combatants and in some matter governed by the Civil Service Regulations, yet they are integral part to the armed forces. The present case squarely falls within the ratio of 1976 (32) F.L.R. page 22 (S.C.) Ons Kutlimal Achudan Nair and others and Union of India and Others wherein the matter was at rest at length and the following observations were made :

“Article 33 of the Constitution provides an exception to the preceding Articles in Part III including Art. 19(1)(a). By Article 33, Parliament is empowered to enact law determining to what extent any of the rights conferred by Part III shall, in their application to the members of the Armed Forces of Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

In enacting the Army Act, 1950, in so far as it restricts or abrogates any of the fundamental rights of the members of the Armed Forces, Parliament derives its competence from Article 33 of the Constitution. Section 2(1) of the Act enumerates the persons who are subject to the operation of this Act. According to sub-clause (i) of this section, persons governed by the Act, include "Persons not otherwise subject to military law who, on active service, in camp on the march or at any frontier post specified by the Central Government by notification or this behalf, are employed by, or are in the service of or are followers of, or accompany any portion of the regular army."

The members of the Unions represented by the appellants obviously fall within this category. It is their duty to follow or accompany the Armed personnel on active service, or in camp or on the march. Although they are non-combatants and are in some matters governed by the Civil Services Regulations, yet they are integral to the Armed Forces. They answer the description of the "members of the Armed Forces" within the contemplation of Art. 33. Consequently by virtue of Section 21 of the Army Act, the Central Government was competent by notification to make rules restricting or curtailing their fundamental rights under Article 19(i)(c)."

The said view was also endorsed in Gopal Upadhya and others and Union of India reported in A.I.R. (54) 1987 Supreme Court page 413. In Dalip Singh Vs. Director General Border Road Organisation reported in 1993 (i) S.C.T. page 117 the said case was related to the casual worker deployed with GREF (Border Road Organisation) a unit of Armed forces and it was held that :

"No exception can indeed be taken to the learned single judge holding GREF to be integral part of the Armed Forces and not thereby falling within the definition of 'Industry' under the Industrial Disputes Act. We also with respect endorse the view."

In view of the discussion made in the earlier paras and settled case law, the respondent management is certainly does not fall within the definition of 'industry' under the Industrial Disputes Act, 1947. The petitioner is not entitled to any relief. The reference is dismissed and returned to the Ministry.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2635.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार एस. डी. ओ. (टेलीकॉम) एडोनी के प्रबन्धन के संरक्षित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9/11/93 को प्राप्त हुआ था।

[सं. एल-40012/53/90-आई. आर. (डी.यू.) (पी.टी.)]
के बी. बी. उण्णा, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2635.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O. (Telecom), Adoni and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-40012/53/90-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated. 20th day of October, 1993
Industrial Dispute No. 69 of 1990

BETWEEN

K. Lingappa, C/o Mahboob, S.I. Phones, P&T Quarters
S.K.D. Colony, 11th Road. H. No. 18, Adoni,
Dist. Kurnool Petitioner

AND

Sub-Divisional Officer, Telecommunication, Adoni-518301
A.P. Respondent

APPEARANCES :

S/Sri M. Rama Rao and K. S. R. Anjaneyulu, Advocates—for the Petitioner.

S Sri M. Pandaranga Rao and P. G. Ravinder Reddy, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/53/90-IR (DU) dated 22-11-1990 referred the following dispute under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Sub-Divisional Officer (Telecom) Adoni and their workmen to this Tribunal for adjudication :—

"Whether the action of the management of Telecom (S.D.O. Adoni) in retrenching the workman w.e.f. 30-4-87 is justified? If not, to what relief the workman is entitled?"

This reference was registered as Industrial Dispute No. 69 of 1990 and notices were issued to both the parties.

2. The facts of the claim statement filed by the Petitioner-Workman read as follows :—

The Petitioner submits that he was appointed to the post of Mazdoor by S.D.O. Telecommunication, Adoni under Memo No. E-30/Sponsoring/86-87. 46 dated 9-9-1986 on a daily wage of Rs. 11.00. The Petitioner worked as Mazdoor under S.D.O. Telecommunication with effect from 8-3-1986. Though he was doing his work to the best of his ability and with devotion, all of a sudden the S.D.O. Telecom stopped him from working w.e.f. 30-4-1987 first orally and later under letter No. E-1/Rlgs/36/87/193 dated 22-5-1987 on the ground that the recruitment contravened the instructions of G.M.T. Hyderabad No. TA/STA/9-2/I dated 25-6-1985. It is submitted that the order dated 25-6-1985 is in applicable. The Petitioner submits that this order dated 25-6-1985 was already there before his appointment w.e.f. 8-3-1986 and was taken into consideration at the time of recruitment. So retrenching on this ground is not only illegal but unjust. The petitioner in all put in 294 days of service. After a lapse of such a considerable length of time the Respondent choose to retrench him from service taking the stand that the recruitment was erroneous. The Petitioner submits that in an identical case when some casual labourers were terminated on the ground that they were recruited after 31-3-1985 and therefore violative of D.G's Orders, the Principal Bench of Central Administrative Tribunal, New Delhi, by its Order dated 4-5-1988 held that such employees employed after 1-4-1985 if they had continuous service for one year are eligible for absorption (Sunderlal and others v. Union of India and others) vide O.A. No. 529 of 1988). The Petitioner submits that his retrenchment from service w.e.f. 1-5-1987 was based on wrong application of the Standing Orders and contrary to principles of justice and arbitrary and discriminatory. A workman who puts in 240 days

attendance is eligible to acquire temporary status and is eligible for all benefits and privileges like regular employees. In the case of Writ Petition No. 373 of 1986 between daily rated casual labour employed under P&T Department Vs. Union of India, Supreme Court directed :

"The Respondents to prepare a scheme on rational basis for absorbing as far as possible the Casual Labourers who have been continuous working for more than one year in the posts and Telegraph Department."

It has been further stated that the Central Administrative Tribunal in O.A. No. 529/1988 dated 4-5-1988 (Sunderlal and Others v. Union of India and Others), that the retrenchment of all those that are employed after 1-4-1985 if they had continued for one year, are entitled for absorption". The Petitioner submits that keeping in view the above decisions of the Supreme Court and the Central Administrative Tribunal, he being a person having put in more than 240 days attendance is actually eligible for absorption and has thus a subsisting right. The action of the S.D.O. in retrenching him is illegal and in gross violation of Section 25-F and Section 25-G and 25-H of the I. D. Act. The Petitioner prays that the Hon'ble Court may be pleased to set aside the order of retrenchment passed by Sub-Divisional Officer, Telecommunication, Adoni under No. E-1/RLGS/86-87/193 dated 22-5-1987 and pass an award directing the respondent to reinstate K. Lingappa into service with full back wages and other attendant benefits and grant such other reliefs as deemed fit and proper.

3. The brief facts of the counter filed by the Respondent read as follows:—

It is submitted that the petitioner was engaged as Casual Mazdoor under the Respondent from March, 1986 to April 1987 depending upon the availability of the work. It is submitted that these workers are not permanent in nature or regular. The petitioner was engaged on the following days :

March 1986 .. 24 days.
June 1986 .. 20 days.
July 1986 .. 29 days.
Sept., 1986 .. 18 days.
October, 1986 .. 31 days.
November, 1986 .. 30 days.
December, 1986 .. 26 days.
January, 1987 .. 31 days.
February, 1987 .. 28 days.
March, 1987 .. 30 days.
April, 1987 .. 27 days.

It is submitted that the Petitioner was engaged as Casual labour when there is work and their service are liable to be terminated as soon as the works are completed. The Petitioner stopped to come to work on his own accord even before issuance of the termination order dated 22-5-1987. It is submitted that casual mazdoor is not a permanent employee of the department and it is his duty to enquire and offer himself for engagement as Casual Labour. It is submitted that after a gap of two years the Petitioner by his representation dated 31-3-1989 represented to the Regional Labour Commissioner (Central), Hyderabad for reinstatement. It is submitted that the claim of the Petitioner is time barred, and the delay of two years clearly shows that the Petitioner did not have any interest in work and did not offer himself for engagement as casual labour. There are no merits in the petition filed by the Petitioner and is liable to be dismissed. It is prayed that the Hon'ble Tribunal may be pleased to pass an award that the petitioner is not entitled to any relief.

4. The point for adjudication is whether the action of the Respondent-Management in retrenching the workman w.e.f. 30-4-1987 is justified ?

5. WW-1 was examined on behalf of the Petitioner-workman and marked Exs. W-1 to W-9. On the other hand WW-1 was examined on behalf of the Respondent and no documents were marked.

6. WW-1 is K. Lingam. He deposed in brief is that he studied upto 6th Class. He joined as Mazdoor on 8-9-1986. He was appointed under Memo No. E-30 sponsoring 86-87/46 dated 9-9-1986. Ex. W-1 is the xerox copy of the said order. His name appears at Sl. No. 20 of the said order. There is a Circular from D.G.P.T. under No. P&T/269/21/68/5FD (1&1-1) dt. 29-9-72 mandating that the casual labour can be recruited direct where there are no employment exchanges within a radius of 10 miles. Ex. W-2 is the xerox copy of the said circular. There is no employment exchange within 10 miles radius of Adoni. In that appointment order itself, an extract of G.M. letter No. Eng. A-1/RLGS dated 19-10-1972 was reproduced, authorising recruitment of casual mazdoors direct from among the persons registered with exchange where there is no exchange within 10 miles radius. He was stopped from service with effect from 30-4-1987. He was stopped from work first orally. Subsequently orders were issued under No. E-1/RLGS 86-87/193, dated 22-5-1987. Ex. W-3 is the xerox copy of the said order. The ground given was that there was a Circular issued by G.M. Telecom, Hyderabad under No. TA/STA/9-2/1, dated 25-6-1985 to the effect that with contravene with the recruitment and hence not eligible for absorption and so terminated. In all he put in 294 days of attendance, under S.D.O.T. Adoni. Ex. W-4 is the xerox copy of the list showing the days of attendance together with master copy. Finally he approached the Regional Labour Commissioner under petition dated 17-5-1989. Ex. W-5 is the xerox copy of the petition to the Regional Labour Commissioner for intervention and holding conciliation. Ex. W-6 is the xerox copy of the reply dated 16-8-1989 furnished by the S.D.T. Telecom to the Regional Labour Commissioner, Hyderabad giving the reasons for termination. The Asst. Labour Commissioner submitted his conciliation failure report to the Government. Ex. W-9 is the xerox copy of the failure report. Recently the General Manager, Telecom issued a Circular dated 22-2-1993 that the casual labourers recruited after 31-3-1985 should not be retrenched. Ex. W-10 is the printed letter in Andhra Tele worker of April 1993 issue. He is unemployed. His termination is illegal, mala fide, colourable exercise of powers, laudful. He prays to this Hon'ble Court to set aside the orders of his termination issued by the S.D.O. Telecom. Adoni as per Ex. W-3 and order for reinstatement into service with all back wages and attendant benefits.

7. MW-1 is P. Chinnayya. He deposed that he is working at Adoni for the last 3 years. He is deposing on the basis of records. The petitioner was engaged as casual mazdoor and the work he performed was cable laying and digging of trenches and erection of poles etc. and it is a temporary work. The petitioner worked as casual mazdoor from March 1986 to April, 1987 but he was not engaged in the months of April, May and August, 1986 due to non-availability of work. From 1-5-1987 the petitioner never came to them for work. As the petitioner was not coming the engagement of petitioner as casual mazdoor was dispensed with by order dated 22-5-1987.

8. In this case the Petitioner K. Lingappa was appointed to the post of Mazdoor by Sub-Divisional Officer, Telecommunication, Adoni under Memo dated 9-9-1986 on a daily wage of Rs. 11.00. The Petitioner worked as Mazdoor under Sub-Divisional Officer, Telecommunication with effect from 8-3-1986 and his services all along was most satisfactory. Though he was doing his work to the best of his ability and with devotion, all of a sudden the S.D.O. Telecom stopped him from working w.e.f. 30-4-1987, first orally and later under letter dated 22-5-1987 on the ground that the recruitment contravened the instructions of G.M.T. Hyderabad No. TA/STA/9-2/1 dated 25-6-1985. The contention of the Petitioner is that this order dated 25-6-1985 was already there before his appointment with effect from 8-3-1986 and was taken into consideration at the time of recruitment. The further contention of the Petitioner that in all he put in 294 days of service. The petitioner further contended that in an identical case when some casual labourers were terminated on the ground that they were recruited after 31-3-1985 and violation of D.G's Orders, the Principal Bench of Central Administrative Tribunal, New Delhi by its Order dated 4-5-1988 held that such employees employed after 1-4-1985 if they had continuous service for one year are eligible for absorption. Hence prayed for reinstatement into service.

9. The contention of the Respondent Corporation on the other hand contended that the Petitioner was engaged as Casual Mazdoor under the Respondent from March 1986 to

April, 1987 depending upon the availability of the work. They submitted that the work of laying of cables, erection of overhead lines, maintenance works etc. are not permanent in nature or regular, the services are liable to be terminated as soon as the works are completed. Further contended that casual mazdoor is not a permanent employee of the Department. There are no merits in the petition filed by the Petitioner and is liable to be dismissed.

10. There is no dispute with regard to recruitment of the Petitioner into service as Casual Mazdoor with effect from 8-3-1986 as per Ex. W-1. Ex. W-4 statement of Attendance for the years from March, 1986 to April 1987 wherein the Petitioner has put in a total period of 294 days (extract taken out from the days book) and this figure was also accepted by the Respondent Telecom in their counter. The next point is that the Petitioner was retrenched under Notice No. E-1/Rlgs 86-87/93 dated 22-5-1987 issued by the S.D.O. Adoni giving one month notice of termination. This notice is marked as Ex. W-3. A reading of Ex. W-3 would show that the name of the Petitioner K. Lingappa was shown at S. No. 5. It mentions that the casual mazdoors who have been recruited in contravention of the above orders are not eligible for absorption in the Telecommunication Department. The above orders are D.O. Telecom. New Delhi letter No. 269/40/85-DTN dated 14-6-1985 and G.M.T. Hyderabad No. TA/STA/92-1 25-6-1985. The contention of the petitioner workman is that the G.M. Telecom letter dated 25-6-1985 was there even prior to the recruitment of the Petitioner workman i.e. the recruitment of the petitioner was from 8-3-1986. Now the S.D.O. Telecom. Adoni cannot take the plea that the recruitment was erroneous and contravened G.M. Telecom letter dated 25-6-1985 after keeping him in employment for such a long period i.e. from 8-3-1986 to 30-4-1987. Hence I find that the retrenchment of the petitioner-workman from service all of a sudden is not justified, and contrary to the principles of natural justice. Now the Petitioner-workman depends upon the Circular of the Chief General Manager, Telecom letter No. G.G.M.T.-AP Lr. No. TA/20-2/Rlgs/Corr. dated 22-2-1993 under Ex. W-10. This is an important Circular which the Petitioner-workman solely depending upon it. It mentions that all the Casual Mazdoors who are recruited after 31-3-1985 and continuing should not be retrenched. Those removed in secondary switching areas recently without following the provisions of J. D. Act should be taken back. In support of the case of the Petitioner, the petitioner filed copies of the judgements of Hon'ble Tribunal and Supreme Court. The first judgement is the Central Administrative Tribunal in C.A. No. 529/1988 dated 4-5-1989 i.e. in *Sunderlal and others v. Union of India and others* wherein it was held that the retrenchment of all those that are employed after 1-4-1985 if they had continued for one year, are entitled for absorption. The second judgement is the Writ Petition No. 373 of 1986 between *Dailly rated casual labour employed Under P&T Department. V. Union of India*, the Supreme Court directed the following :

"The Respondents to prepare a scheme on rational basis for absorbing as far as possible the Casual Labourers who have been continuously working for more than one year in the Posts and Telegraph Department."

Keeping in view the above decisions of the Central Administrative Tribunal and the Supreme Court, I find that the petitioner having put in more than 240 days attendance is actually eligible for the absorption and has thus a subsisting right. On a consideration of the evidence facts and circumstances of the case, I am clearly of the view that the action of the Sub-Divisional Officer, Adoni in retrenching the petitioner workman is illegal and without any valid grounds.

11. In the result, the action of the Management of Telecom (S.D.O. Adoni) in retrenching the workman K. Lingappa w.e.f. 30-4-1987 is not justified. The Petitioner-workman is entitled to be reinstated into service with full back wages and other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 20th day of October, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of evidence

Witnesses Examined
for Workman :
WW-1—K. Lingappa.
Witnesses Examined
for the Management :

MW-1—P. Chinnayya.

Documents marked for the Petitioner :

- Ex. W-1—Xerox copy of the appointment order.
- Ex. W-2/29-9-92—Xerox Circular permitting for recruitment where there is no Employment Exchange within radius of 10 miles.
- Ex. W-3/22-5-87—Xerox copy of the order stopping the Petitioner to work.
- Ex. W-4—Xerox copy of the attendance particulars together with Muster copy.
- Ex. W-5—Petitioner to ALC(C) for intravention.
- Ex. W-6/16-8-89—Xerox copy of reply to furnished by the SDO, Telecom Hyderabad to RLC, Hyderabad.
- Ex. W-7/24-11-89—Xerox copy of any reply to RLC offering his comments.
- Ex. W-8/10-3-90—Xerox copy of the re-joinder from workmen representative addressed to RLC.
- Ex. W-9—Xerox copy of Failure Report.
- Ex. W-10—Order printing in April, 1993 issue of Andhra Tele worker.

Sd/-
Industrial Tribunal-I

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार के टेलीकॉम के प्रबंधन के संबद्ध नियंत्रकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9/11/93 को प्राप्त हुआ था।

[सं. ए. 40012/22/91-आई.आर. (डी.यू.) (पी.टी.)]

के. वी. वी. उणी, ईस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2636.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Medak (AP) and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-40012/22/91-IR (DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L. Industrial Tribunal-I,
Dated, 5th day of October, 1993
Industrial Dispute No. 50 of 1991

BETWEEN

P. Makipal Reddy, S/o Bapi Reddy, aged about 23 years,
Casual Workman under the Respondent Employer
...Petitioner.

AND

The Sub-Divisional Officer, Telecom. Medak-502110
...Respondent.

APPEARANCES :

Sri C. Suryanarayana and Sri P. Bhaskar, Advocates—
for the Petitioner.

Sri M. Panduranga Rao and Sri B. G. Ravinder Reddy,
Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by Order No. L-40012/22 91-IR (DU), dated 3-10-1991 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M/s. Telecom Medak (AP) and their workmen to this Tribunal for adjudication :

“Whether the action of the management of M/s. Telecom, Medak (AP) represented by their Sub-Divisional Officer in terminating the service of Shri P. Mahipal Reddy is justified? If not, to what relief, the workman concerned is entitled?”

This reference is registered as Industrial Dispute No. 50 of 1991 and notices were served on both parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read was follows :

The Petitioner's claim for reinstatement in service is based on the fact that under the Respondent's Order/instructions, he was initially recruited and employed as Casual Mazdoor w.e.f. 1-4-1986 at Mustabad near Siddipet. He was employed as Cable Laying Mazdoor for 8 days in April, 1986 and kept idle for the rest of the month. He was again employed for one day on 1-5-1986 as such Mazdoor. But after taking note of the fact that the petitioner passed SSC and that there was shortage of Telephone Operators at Siddipet, he was employed to perform the duties of Telephone Operators at Siddipet Telephone Exchange w.e.f. 2-5-1986 in the strength of Casual Mazdoors. He was not employed till 9-5-1987 i.e. for one year and seven days. Later, the petitioner was employed on other miscellaneous work at the Telephone Exchange at Siddipet till the end of May 1987 and then discharged from service without notice or notice period wages as required under the mandatory provisions of Section 25-F of the I.D. Act. In other words, the Petitioner was actually engaged to discharge the duties of Telephone Operator which is a highly skilled category post, but he was paid the wages of an unskilled casual mazdoor though on most of the days he was employed for the full 7 hours 20 minutes of duty every day. On other days the Petitioner was employed for six hours a day in two spells of three hours each, like a Short Duty Telephone Operator. When a regular Telephone Operator is brought on split duty of three hours in each spell twice a day, one hour reduction is given in his duty terms of 7 hours 20 minutes besides the fact that in those two spells he is entitled to short reliefs of 10 to 15 minutes duration. Thus, he gets a reduction of one hour twenty or thirty minutes from the full duty term of seven hours and twenty minutes a day when he is brought on split duty. Compared to the same, a short duty Telephone Operator, like the petitioner, should be deemed to have worked for the full day or days on which he was employed for six hours a day in two spells of three hours each. However, the Petitioner was employed continuously for more than one year. In respect of such Short duty Telephone Operators, the President Order laid down that if the Short Duty Telephone Operator has rendered 120 days of service (with just 3 hours duty per day) in a period of six months, he becomes eligible for absorption as regular Telephone Operator in the next recruitment. Therefore, the Petitioner submits that he is entitled to such absorption as regular Telephone Operator. The Petitioner further submits that in view of the decision in *Daily Rate Casual Labour in P&T Services v. Union of India and others* (AIR 1987 SC page 2342) read with the unreported decision in *Ramgopal and others v. Union of India and others* vide W.P.C. No. 1280 of 1989 and batch of Writ Petitions decided

by the Hon'ble Supreme Court on 17-4-1990, he is entitled to absorption at least as a Regular Mazdoor in the Department in accordance with the scheme directed to be prepared by the Supreme Court. But such absorption being in accordance with the seniority of the mazdoor concerned in the seniority list of Casual Mazdoors of the Telecom District concerned, which is the case of the Petitioner is the Sangareddy Telecom District, he is entitled to grant of temporary status, pending his absorption, in accordance with the orders of the Department of Telecommunications dated 7-11-1989. The petitioner prays that this Hon'ble Tribunal may be pleased to hold and declare that his retrenchment w.e.f. 1-6-1987 is illegal, null and void and that he is consequently entitled to reinstatement in service with full back wages, continuity of service, protection of his seniority and all other benefits which are incidental and consequential of such reinstatement and to pass award accordingly.

3. The brief facts of the counter filed by the Respondent read as follows :—

It is submitted that the reference itself is illegal for the resorts that the services of the petitioner were never terminated as he was only working on casual basis and the casual mazdoors were offered work as and when the same is available. It is submitted that the Department engages Casual mazdoors as and when temporary works are taken up for laying ground cables, construction of overhead alignment are taken up. As soon as the work is over, the employment of the casual mazdoor comes to an end. Likewise, if another work is taken up, and the casual mazdoor comes forward for employment, he will again be engaged till the work lasts. It is submitted that in the case of casual mazdoors, work is not continuous, and their engagement depends upon the availability of work. The petitioner was engaged as a casual mazdoor in the sub-division on the following dates viz., 8 days in April, 1986, 31 days in May, 1986, 30 days in June 1986, 31 days in July, 1986, 31 days in August, 1986, 30 days in September 1986, 31 days in October, 1986, 30 days in November 1986, 31 days in December, 1986, 31 days in January 1987 and 28 days in February 1987. It is submitted that the Petitioner was informed clearly at the time of his initial appointment as casual mazdoor that he was engaged for works of casual nature, and as and when such casual works are completed, he will be disengaged from the Muster Rolls. The petitioner has also signed a declaration to this effect. It is submitted that there is a procedure for recruitment of regular employees in the department, and therefore, the claim of the petitioner that he should be made a permanent employee is not maintainable. As already submitted the services of casual mazdoor come to an end as and when the work is completed. Till fresh works are taken up, he will have to remain idle. Such disengagement will not amount to termination and such disengagement is automatic in the case of casual mazdoors. It is submitted that the petitioner is not entitled to continue in service mechanically as a casual labour. The petitioner instead of offering himself for work whenever it is available, he raised the present dispute claiming that his services were terminated. It is submitted that there is no termination of the services of the petitioner and therefore, the dispute itself is not maintainable. The contention of the petitioner that he is entitled for regularisation is not relevant for purpose of this case and the same is beyond the scope of reference made by the Government. It is therefore, prayed that this Hon'ble Tribunal may be pleased to pass an Award holding that the petitioner is not entitled to any relief.

4. The point for adjudication is whether the action of the Respondent in terminating the service of Shri P. Mahipal Reddy is justified?

5. WWI was examined on behalf of the Petitioner and marked Exs. W-1 to W-10. On the other hand MW-1 was examined on behalf of the Respondent and no documents were filed on its side.

6. WW-1 is P. Mahipal Reddy. He deposed in brief that he joined the department on 1-4-1986. He used to work as Short Duty Telephone Operator in Siddipet. He worked in the Department till 9-5-1987 continuously. He worked for the entire year. Thereafter he was terminated from the service, without assigning any reasons. No terminal benefits were paid, to him and no notice was given to him at the time of his termination. Ex. W-1 is the working days particulars statement. He studied upto B.A. His qualification is B.A. Ex. W-2 is the provisional certificate of B.A. He passed Typewriting Lower in English and Typewriting in Telugu. Ex. W-3 and W-4 are the said certificates. I was given proform of Mazdoor identity service card at the time of his entry to the Department. The said service card is marked as Ex. W-5. After he was terminated from service he used to go to S.D.O.T. periodically and requested him for work but he informed him that he will not be given any work because he was recruited after 30-3-1985. Thereafter he made a complaint to the Regional Labour Commissioner Ex. W-6 is the said complaint dated 21-9-1989. Ex. W-7 is the parawise remarks filed by the Department thereon. The conciliation proceedings ended on failure. Ex. W-8 is the failure of conciliation report dated 1-2-1991. Those who work for 120 days in a period of 6 months he is entitled for absorption as regular telephone operator. He is not aware that any of his juniors are working in the Department. He therefore pray that this Hon'ble Court may be pleased to declare that his retrenchment is illegal and reinstate him into service with full back wages and attendant benefit. Director General, Telecom's letter No. 10-13/87-Rates dated 23-2-1988 which refers to the Supreme Court Judgement dated 27-10-1987 in W.P. No. 373 of 1986 (AIR 1987 SC page 2348) is laid down that the casual workers are to be paid wages at the minimum of pay scale of regular employees in the corresponding cadre. Ex. W-9 is the xerox copy of the said circular. If he worked as a field worker he is paid wage equivalent to the daily wage of a Class IV employee. If he is employed as Telephone Operator he is entitled to the daily wage equivalent of a Telephone Operator. In the total days he has worked he was employed as casual mazdoor for hardly a month and as Telephone Operator for more than 11 months continuously. The D.G's order dated 17-3-1980 circulated with it the Home Ministry's Order dated 25-2-1980. According to this Order it is clarified that though the reference was made earlier only to peons and Class IV employees with regard to absorption of casual workers. The casual workers can also be regularised against the other posts also. Ex. W-10 is the xerox copy of the said order.

7. MW-1 is Bheemsen Katti. He deposed that he is working at Sangareddy from May, 1993. He is giving his evidence on the basis of the records available in the office. Casual Mazdoors are engaged for laying of ground cables and erection of poles and overhead lines. These works are not continuous and are of temporary nature. The casual mazdoors are engaged when they come to them enquiring about the work and if there is any work they will engage them for that specific work. Petitioner was engaged for a period of 8 days in April, 1986 for cable digging work. Thereafter the petitioner was engaged as casual operator to assist trunk supervisor from May 1986 to February 1987. After that the Operator post was filled up by regular recruitment and hence the petitioner was disengaged. The regular recruitment of Operators is done by calling for the application by paper notification and depending upon it on merits of the candidates in S.S.C. and Intermediate, the persons would be selected. As per the record the petitioner has not applied for the post Operator for regular recruitment.

8. In this case the contention of the Petitioner-Workman is that he was employed as Casual Mazdoor w.e.f. 1-4-1986 at Mustabad near Siddipet for 8 days. Again he was employed for one day on 1-5-1986 as Mazdoor, after knowing that the petitioner passed S.S.C. he was employed to perform the duties of Telephone Operators at Siddipet Telephone Exchange w.e.f. 2-5-1986 and he was employed till 9-5-1987 i.e. for one year and seven days, subsequently the petitioner was employed on other miscellaneous works at the Telephone Exchange at Siddipet till the end of May 1987 and he was discharged from service without notice.

9. The contention of the Respondent on the other hand mentions that the petitioner was engaged as a casual mazdoor in the Sub-Division Office, that the petitioner was informed

clearly at the time of his initial appointment as casual mazdoor that he was engaged for works of casual nature and as and when such casual works are completed, he will be disengaged from the Muster Rolls, that there is a procedure for recruitment of regular employees in the department and therefore, the claim of the petitioner that he should be made a permanent employee is not maintainable. Hence the petitioner is not entitled to continue in service as a casual labour.

10. At the very outset, I would like to mention that the Petitioner workman was employed as Telephone Operator at Siddipet Telephone Exchange w.e.f. 2-5-1986 in the strength of Casual Mazdoor no doubt. The contention of the Respondent is that the work of casual mazdoor engaged by the Respondent are taken up for laying ground cables, construction of over-head alignments etc. But the work of Telephone Operator is entirely different from the work of laying ground cables construction of overhead etc. where casual mazdoors are engaged. I find that the petitioner was actually engaged to discharge the duties of Telephone Operator which is a highly skilled category post. Now seeing that the petitioner was employed continuously for more than one year as is evident from the counter of the Respondent wherein the petitioner was engaged on days mentioned the periods from April, 1986 to February 1987. The Presidential Orders laid down in respect of Short Duty Telephone Operators, is that if the Short Duty Telephone Operator has rendered 120 days of service in a period of six months, he becomes eligible for absorption as regular Telephone Operator in the next recruitment. Ex. W-1 is the statement showing the number of days the Petitioner workman worked and this statement is signed by the Junior Engineer as well as Sub-Divisional Officer. The Petitioner-workman relied upon the decision on Daily Rated Casual Labour in P&T Services v. Union of India and others (AIR 1987 SC 2342) read with the unreported decision in Ramgopal and others v. Union of India and others vide W.P.C. No. 1280 of 1989 and batch of Writ Petition decided by the Hon'ble Supreme Court on 17-4-1990, he is entitled to absorption at least as Regular Mazdoor in the Department in accordance with the scheme directed to be prepared by the Supreme Court. Ex. W-9 is the Director General, Telecom's letter No. 10-13/87-Rates dated 23-2-1988 which refers to the Supreme Court Judgement dated 27-10-1987 in W.P. No. 373 of 1986 (AIR 1987 SC page 2348) laid down that casual workers are to be paid wages at the minimum of pay scale of regular employees in the corresponding cadre. According to the D.G's Order dated 17-3-1980 circulated with it, the Home Ministry's Order dated 25-2-1980, it is clarified that though the reference was made earlier only to peons and Class IV employees with regard to absorption of casual workers, the casual workers can also be regularised against the other posts, also. So relying upon the above orders and circulars, I am of clear view that the Petitioner-Workman is entitled to such absorption as regular Telephone Operator. The Respondent has not rebutted anything with regard to the Orders and Circulars issued by the Telecom Department nor mentioned anything about the Short Duty Telephone Operator's post, or the decided cases. Hence I find that the retrenchment of the petitioner from service w.e.f. 1-6-1987 is illegal and the petitioner is entitled to be reinstated into service.

11. In the result, the action of the Management of M/s. Telecom, Medak (AP) represented by their Sub-Divisional Officer in terminating the service of Sri P. Mahipal Reddy is not justified. Sri P. Mahipal Reddy is entitled to reinstatement into service with full back wages, continuity of service, protection of his seniority and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 5th day of October, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for

the Petitioner/Workmen :

WW-1—P. Mahipal Reddy.

Witnesses Examined for

the Respondent/Management :

MW-1—Bheemsen Katti.

Documents marked on behalf of Petitioner-Workman

- Ex. W-1—Petitioner's working days particulars xerox copy.
- Ex. W-2—Xerox copy of the Petitioner's Degree provisional Certificate.
- Ex. W-3—Xerox copy of the Typewriting (English) Lower Certificate.
- Ex. W-4—Xerox copy of the Typewriting (Telugu) Higher Certificate.
- Ex. W-5—Xerox copy of Proforma of Mazdoor Identity Service Card.
- Ex. W-6—Xerox copy of the complaint to RLC(C), Hyderabad dated 21-9-89.
- Ex. W-7—Xerox Copy of parawise remarks dated 29-8-90 of the Respondent on the said dispute.
- Ex. W-8—Xerox Copy of Failure of Conciliation Proceedings dated 1-2-1991.
- Ex. W-9—Xerox Copy of DGT Telecom No. Lr. No. 10—13/87, dated 23-2-88.
- Ex. W-10—Xerox Copy Circular Siff-I/9-J/BGN-II, dated 28-3-80.

Documents marked for the Respondent/Management
NIL

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2637 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार स्पाईस बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गैलिली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[सं.एल.—42012/164/89—आई आर (डी यू) (पीटी)]
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2637.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alleppey as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Spices Board and their workmen, which was received by the Central Government on 9th November, 1993.

[No. L-42012/164/89-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
ALLEPPEY

(Dated this the 25th day of October, 1993)

PRESENT:

Shri K. Kanakachandran, Industrial Tribunal.

I.D. No. 193/90

BETWEEN

The Chairman, Spices Board, Cochin-18, Pin-682018.

AND

The Workmen of the above concern represented by the Working President, Spices Board Employees' Association, Kailasanadu, Myladumpara, Idukki District.

REPRESENTATIONS:

M/s. Joseph & Kuriyan, Advocates, Cochin—For Management.

Sri P. V. Baby, Advocate, 37/91, Canon Shed Road, Cochin-11—For Union.

AWARD

1. The Government of India by their Order No. L/42012/164/89-IR (DU) dated 27th July, 1990 had referred the following issues for adjudication :—

"Whether the action on the part of the Management of Spices Board in transferring George Mathew, General Secretary, Spices Board Employees Association from Myladumpara to Quilon amounts to victimisation for his union activities? If so, what relief the said workman is entitled to?"

2. The union in their claim statement has stated that the workman concerned in this dispute was the General Secretary of the Spices Board Employees' Association and at the time of its formation he was working as a Senior Clerk in Indian Cardamom Research Institute at Myladumpara. While he was working at Myladumpara on 12th June, 1989 as per the order of the Director of the Spices Board he was transferred to Gangtok in Sikkim State. On such transfer he made representation to the Chairman of the Board requesting for his retention at Myladumpara. Later he filed a writ petition before the High Court challenging his transfer. During the pendency of the writ petition his representation was considered and instead of retaining him at Myladumpara, he was shifted to the Spices Board's office at Quilon.

3. The Management in their counter statement has disputed the allegations of the union, raised in the claim statement. According to them only for expediency he was transferred from Myladumpara to another office under the Board.

4. After the filing of statement by the parties concerned, in fact, evidence was adduced on the side of the union by examining the workman concerned. The management was also prepared to adduce evidence and in fact witnesses were also produced. The learned counsel for the management has submitted that there is no meaning in adjudicating the issue which was referred for adjudication. According to the learned counsel, the issue referred for adjudication was the legality of the transfer of the workman from Myladumpara to Quilon and whether that transfer will tantamount to victimisation. But in view of the transfer of the workman from Quilon to Moovattupuzha, the dispute became practically infructuous. Such a transfer to Moovattupuzha is not at all subjected to any sort of controversy so far. The factum of the transfer of workman from Quilon to Moovattupuzha is recorded in the form of an endorsement in the written statement filed by the management by their counsel. It is recorded that the workman had been given a transfer to Moovattupuzha and he is now working at Moovattupuzha. Later, the counsel for workman also put an endorsement in the reference order which reads as follows:—

"Since the workman was already transferred to Moovattupuzha during the pendency of the case, an award may be passed stating the above transfer."

5. The endorsement given by both sides are recorded and an award is passed accordingly.

(Dated this the 25th day of October, 1993)

K. KANAKACHANDRAN, Industrial Tribunal

APPENDIX

Witness examined on the side of the Management:
NIL.

Witness examined on the side of the Workman:
WV1 : George Mathew.

Exhibits marked on the side of the Management :

M1 : Copy of Guidelines for recognition of Service Associations.

M2 : Copy of O.P. No. 5074/1989.

M3 : Copy of letter, dated 16th June, 1989 of the Workman.

M4 : Copy of Transfer Order No. A3/8(16)89/8224, dated 28th June, 1989.

M5 : Copy of Judgment in O.P. No. 5074/89-D, dated 30th June, 1989.

- M6 : Copy of letter dated 20th September, 1990 of the Workman addressed to the Chairman, Spices Board, Kochin-18.
- M7 : Copy of Appointment Order No. 1(2)81-Admn. dated 30th September, 1981.
- M8 : Copy of acceptance of offer of appointment.
- Exhibits marked on the side of the Workman :—
- W1(a) : Copy of letter dated 17th July, 1987 issued to the Chairman, Spices Board by Thampan Thomas, President of the Union.
- W1(b) : Copy of letter dated 20th August, 1987 issued to the Chairman by the General Secretary of the Union.
- W1(c) : Copy of letter dated 24th August, given to the Chairman by the General Secretary of the Union.
- W1(d) : Copy of letter dated 28th August, 1987 issued by the General Secretary of the Union to the Hon'ble Minister of Commerce, New Delhi.
- W1(e) : Copy of letter dated 12th January, 1988 issued by the General Secretary of the Union to the Chairman.
- W1(f) : Copy of letter dated 20th July, 1988 by the General Secretary of the Union to the Secretary, Government of India, Ministry of Commerce.
- W1(g) : Letter dated 19th August, 1988 of the Chairman.
- W1(h) : Letter dated 7th November, 1988 by the Minister of State for Commerce, New Delhi.
- W1(i) : Copy of Reg. No. 1/89 dated 4th January, 1989 of the General Secretary.
- W1(j) : Copy of letter Ref. No. 2/88 dated 4th January, 1989 of the General Secretary addressed to the Chairman, Spices Board.
- W1(k) : Copy of letter dated 6th January, 1989 of the General Secretary of the Union.
- W1(l) : Copy of letter dated 11th January, 1989 of the General Secretary of the Union.
- W1(m) : Photocopy of Telegram dated 27th February, 1989.
- W1(n) : Letter dated 5th March, 1989 of Thampan Thomas M.P. to the General Secretary of the Union.
- W1(o) : Copy of letter dated 24th February, 1989 issued by the Spl. Secretary to the Chairman, Spices Board.
- W1(p) : Copy of letter dated 18th March, 1989 of the General Secretary.
- W1(q) : Copy of letter dated 8th May, 1989 issued by George Mathew.
- W1(r) : Copy of letter addressed to Sri Priyaranjan Das Munshi.
- W1(s) : Letter dated 12th June, 1989 issued to George Mathew by R. Naidu, Director of Spices Board.
- W1(t) : Communication dated 28th June, 1989 of Dr. K. G. Nayar.
- W1(u) : Copy of letter dated 16th June, 1989 of George Mathew.
- W1(v) : Copy of letter dated 23rd June, 1989 of V. A. George Working President of the Union.
- W1(w) : Copy of letter dated 5th July, 1989 of the General Secretary.
- W1(x) : Printed notice of All India Spices Board Employees Union, Kochin-18.
- W2 : Copy of Bye-law. Spices Board Employees' Association, Myladumpara, Idukki District.
- W3 : Minutes of Conciliation proceedings held on 12th October, 1989 by the Asstt. Labour Commissioner, Central, Trivandrum.
- W4 : Failure of Conciliation report dated 31st October, 1989.

W5 : Certificate of Registration of Trade Union dated 6th March, 1988.

W6 : Affiliation certificate dated 12th March, 1989.

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2633 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हिन्दुस्तान जिंक लिमिटेड के प्रबन्धकों के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अविश्रम हेदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[सं. एल—29011/2/82—डी III (बी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2638.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of HINDUSTAN ZINC LIMITED and their workmen which was received by the Central Government on 10-11-93.

[No. L-29011/2/82-D.III(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Y. Venkatachlam, M.A., B.L., Industrial Tribunal-I
Dated : 5th day of October, 1993
Industrial Dispute No. 45 of 1988

BETWEEN :

The Workmen of Hindustan Zinc Limited,
Agnigundala Lead Project, Bandalamottu,
Vinukonda Taluk, Guntur District, A.P. ..Petitioner.

AND

The Management of Hindustan Zinc Limited,
Agnigundala Lead Project, Bandalamottu,
Vinukonda Taluk, Guntur District. ..Respondent.

APPEARANCES:

Sri V. Venkateswara Rao, Counsel for the Petitioner.
M/s. K. Srinivasa Murthy, G. Sudha and Mitra Das,
Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. L-29011(2)/82-D.III(B) (Pt.) dt. 6-4-1988 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Hindustan Zinc Ltd, Agnigundala Lead Project, Bandalamottu, Taluk, Guntur District Andhra Pradesh and their Workmen to this Tribunal for adjudication:

"Whether the action of the management of Hindustan Zinc Ltd., Bandalamottu, Vinukonda Taluk, Guntur District, Andhra Pradesh in dismissing from service Sri Sk. Saidan, Pump Attendant was justified? If not, what relief is the workman entitled to?"

This reference was registered as Industrial Dispute No. 45 of 1988 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner Union read as follows —It is respectfully submitted that the Petitioner workman was initially appointed as unskilled worker in the Agnigundala Lead Project, Bandalamotu of the Respondent Project in 1972 on a temporary basis and his services were later regularised. His normal duties as a Pump Attendant were to ensure free flow of water in all the pumps in the Project and to close the pumps when no water supply was necessary. One Sri S. Ramaniah was one of the Security Guards attached to the Project. He borrowed money from the petitioner workman once and failed to repay it in the promised time. The petitioner workman had to give him pressure for repayment. From that time Sri Ramaniah was not well-disposed towards the petitioner workman. On 21-8-1980 Sri Ramaniah seems to have given a report to the Project Officer stating that he had seen the petitioner workman near a bush near the hill-top reservoir placing a bundle under the bush, that thereafter he had seen the petitioner workman near that bush twice and that at about 12.40 p.m. he took the petitioner workman into custody and got the bundle taken out and that the bundle contained 4 gunnies and 2 copper blades. In fact the petitioner workman did not go to that bush at 11.00 a.m. At about 12.40 P.M. Ramaniah had taken the petitioner workman to a bush and asked him to remove the bundle under the bush. The petitioner workman refused to take out the bundle. Thereon Ramaniah had beaten the petitioner workman, compelled him to take out the bundle and took him and the bundle to the Main office of the Project. The petitioner-workman was compelled to sign on some paper. The petitioner-workman is an illiterate person, he only knows to write his name and was not aware as to what was written on that paper. On the basis of Ramaniah's Report the petitioner-workman was kept under suspension and a domestic enquiry was ordered. At the close of the enquiry, the Enquiry Officer gave the petitioner workman a copy of the minutes of the enquiry which is a full record of the enquiry proceedings. Some time later he seems to have added a note in the original stating that the alleged stolen articles were produced before him that he inspected them and gave them for safe custody to Sub-Inspector. This is false. The alleged stolen material had not been produced by the Prosecution before the enquiry officer at any stage of the enquiry. Neither P.W1 nor P.W2 did therefore identify them while giving evidence. The note seems to have been added at the time of preparing the enquiry report realising the lacuna in the proceedings. The addition of this note shows the bias of the Enquiry Officer and the extent to which he was prepared to go to support the case of the management. The Enquiry Officer finally sent his report stating that he was inclined to think that the charge against the petitioner-workman was made out and that therefore he holds the Petitioner-workman guilty. The Petitioner workman gave his explanation in writing to the show cause notice given to him. Without meeting any one of the contentions raised in the explanation the Management passed orders on 9-1-1981 dismissing the Petitioner-workman from service. The Petitioner-workman preferred an appeal to the Chairman of the Respondent-Project but it was dismissed, no order was communicated but information was conveyed through the Project Officials. There is no evidence at all to show that the articles in question were stolen articles. Much less is there any evidence to show they are the property of the project. It is not elicited from any witness examined for the management that those articles are the property of the project or that such articles are missing from the project premises. The person that wrote the alleged confessional statement is not examined and the Administrative Officer of the Project who is said to be present at that time is not examined. The Enquiry Officer exaggerated in his report the discrepancies in the evidence on behalf of the defence but does not even refer to the discrepancies in the evidence for the management. On the basis of the evidence let in it is highly unreasonable for the Enquiry Officer to hold that the charges are proved. Action of the management in dismissing the petitioner workman amounts to victimisation and discrimination and even otherwise the punishment imposed is excessive and not commensurate with the gravity of the charge levelled against him. The Enquiry Officer and the Management have become more biased against the petitioner-workman as he exposed Ramaniah in explaining why Ramaniah sponged against the petitioner-workman and also because the petitioner-workman filed a criminal case against Ramaniah for beating him (the petitioner workman). It is therefore submitted that the Hon'ble Tribunal may be pleased to pass an award declaring the action of

the Respondent in dismissing the Petitioner-workman from service vide Memo dt. 9-1-1981 as illegal, arbitrary and consequently direct the Respondent to reinstate the petitioner-workman into service with continuity of service and back wages and other attendant benefits.

3. The brief facts of the counter filed by the Respondent Project read as follows :—It is true that the workman in dispute, Sri Shaik Saidha was initially appointed as an unskilled worker with effect from 1-9-1971 and later on, he was posted as Pump Attendant w.e.f. 15-7-1977 at the Respondent Agnigundala Lead Project, Bandalamotu. It may be noticed that the workman has committed theft on 21st August, 1980 and as such the Respondent Management issued him the Charge Sheet to him on the same day itself. The Management called for the explanation of the workman to the charge sheet and the petitioner workman has submitted his explanation. As the management was not satisfied with his explanation, Senior Geologist Sri A. J. Reddy was appointed as an Enquiry Officer to conduct the domestic enquiry. This petitioner, to defend his case, has chosen to concert the material facts falsely and started making allegation that there is animosity between himself and Ramaniah. The Respondent has nothing to do as to what has transpired between Ramaniah and this workman. The allegation that because of Ramaniah being not well disposed towards this petitioner he has given a report to the management which resulted in issuing the charge sheet is not correct. Similar defence has been taken by this Petitioner during the course of domestic enquiry also. It is pertinent to submit at this stage that in the presence of this workman the stolen property was submitted before the Enquiry Officer. After having seen the same was returned, after making a note of it, the allegations that the Enquiry Officer has marked these objects after the workman has left is totally false. No bias was shown by the Enquiry Officer and full and fair opportunity was given to the workman as per principles of natural justice. It is respectfully submitted that the Management has passed the dismissal order and the petitioner workman has moved the Conciliation Authorities raising I.D. The Management has gone through the entire enquiry proceedings, applied its mind, and after looking into the past record of the workman only passed the order of dismissal. The allegation that there is no evidence to show that the articles in question were stolen articles is totally false. Further allegation that there is no evidence to show that they are the property of the project is also totally false. The rivalry and the enmity between Ramaniah and this Petitioner has nothing to do with the present case. The Petitioner workman is not entitled for reinstatement with continuity of service and back wages and other attendant benefits. In view of the above mentioned facts, this Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. The point for adjudication is whether the action of the Respondent Management in dismissing from service Sk. Saidha was justified?

5. W.W1 was examined on behalf of the Petitioner-Workman and marked Exs. W1 to W12. On the other hand M.W1 was examined on behalf of the Respondent and marked Exs. M1 to M17.

6. On the question of validity of the domestic enquiry conducted by the Respondent-Management, this Tribunal passed an Order on 20-8-1993 holding that the domestic enquiry was conducted properly and is not vitiated. Finally this case has come up for a finding on merits.

7. No oral or documents evidence has been adduced after passing the above order dt. 20-8-1993.

8. In this dispute whether the Petitioner-Workman committed the offence of theft on 21-8-1980. The allegation that the Security Guard Sri Ramaniah seems to have given a report to the Project Officer stating that he had seen the petitioner-workman near a bush near the Hill top reservoir placing a bundle under the bush, that thereafter he had seen the petitioner-workman near that bush twice and that at about 12.40 p.m. he took the petitioner-workman into custody and got the bundle taken out and that the bundle contained 4 gunnies and 2 copper blades. The version of the Petitioner workman is that actually the petitioner did not go to that bush at 11.00 a.m. At about 12.40 p.m. Ramaniah had taken the petitioner-workman to a bush and asked him to

remove the bundle under the bush, but the petitioner workman refused to take out the bundle. Later Ramanaiah had beaten the petitioner-workman, compelled him to take out the bundle and took him and the bundle to the main office of the Project and the petitioner workman was compelled to sign on some paper. When all these things happen, there was no witness or evidence to show that these two persons namely the Petitioner-workman and Ramanaiah have actually gone to the bush where the bundle was kept. Subsequently the Report was submitted by Sri Ramanaiah, on the basis of the report the petitioner workman was kept under suspension and a charge was levelled against the petitioner under Standing Order No. 39(ii) i.e. theft, fraud or dishonesty in connection with the Company's business or property. Now the question arises whether there was any shortage of 4 gunny bags and two copper blades in the Respondent Company or missing from the Company's Stores. Was there any complaint made by the staff of the Respondent Company or missing from the Company's Stores. When there any complaint made by the staff of the Respondent Company regarding the shortages or missing of two copper blades from the company. When no such complaint was made by anybody regarding the missing of the two copper blades and four gunny bags, the charge of theft in connection with the Company's business or property does not arise. There is no evidence at all to show that the articles in question were stolen and that the articles are the property of the Respondent Company. I find that the charge of theft by the petitioner-workman is not at all proved and that the charge framed was connected one. Even the Enquiry Officer who conducted a domestic enquiry against the charge of the Petitioner-workman did not make efforts to find out whether the stolen articles was the property of the Respondent Company or not. I find that on the basis of the evidence let in it is highly unreasonable for the Enquiry Officer to hold that the charges are proved against the dismissing the petitioner workman amounts to victimisation and discrimination. Taking into consideration all the facts and circumstances of the case, I find the action of the Respondent in dismissing the petitioner-workman from service as illegal and void and this Tribunal is left with no other alternative except to direct reinstatement of the petitioner into service.

9. In the result, the action of the Management of Hindustan Zinc Limited, Bandalamottu, Vinukonda Taluk, Guntur District, Andhra Pradesh in dismissing from service Sri S. K. Saida, Pump Attendant is not justified. Sri S. K. Saida is entitled to be reinstated into service with continuity of service and full back wages and all other attendant benefits.

10. Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 5th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence.

Witnesses Examined for
the Management :

Witnesses Examined for
the Workmen :

MW1 A. J. Reddy.

WW1 Sri S. K. Saida.

Documents marked for the Management :

Ex. M1.—Memo dt. 30-8-1980 issued to A. J. Reddy by the Mechanical Engineer, Hindustan Zinc Limited, with regard to conduct enquiry in to the charges framed against S. K. Saida.

Ex. M2.—Enquiry Notice dt. 31-8-1980 issued to S. K. Saida by the Enquiry Officer.

Ex. M3.—Charge Sheet dt. 21-8-1980 issued to S. K. Saida by the Mechanical Engineer, Hindustan Zinc Limited, Augigundala lead project, Bandalamottu.

Ex. M4.—Explanation to the charge sheet submitted by S.K. Saida to the Mechanical Engineer, Agnigundala Lead Project, Bandalamottu.

Ex. M5.—Letter dt. Nil addressed to the Enquiry Officer by S. K. Saida requesting for adjournment of enquiry.

Ex. M6.—Enquiry Notice dt. 3-9-80 issued to S. K. Saida by the Enquiry Officer.

Ex. M7.—Letter dt. 10-9-80 addressed to Enquiry Officer by S. K. Saida requesting for adjournment of enquiry.

Ex. M8.—Letter dt. 17-9-80 addressed to Enquiry Officer by S. K. Saida requesting for adjournment of enquiry.

Ex. M9.—Letter dt. 23-9-80 of S. E. Murugesan to the Enquiry Officer with regard to Assistance of some other co-workman in the enquiry of S. K. Saida and due to personal problems that he has unable to attend the enquiry.

Ex. M10.—Enquiry Notice dt. 23-9-1980 issued to S. K. Saida by the Enquiry Officer.

Ex. M11.—Enquiry Notice dated 23-9-80 issued to S. Ramanaiah by the Enquiry Officer.

Ex. M12. Letter dt. 5-10-80 addressed to the Enquiry Officer by S. E. Murugesan, requesting for adjournment of enquiry.

Ex. M13.—Letter dt. Nil addressed to the Enquiry Officer by S. K. Saida with regard to S. E. Murugesan for the Enquiry as a co-worker.

Ex. M14. Enquiry Proceedings dt. 8-10-80.

Ex. M15.—Complaint in Telugu dt. 21-8-80 given by S. Ramanaiah to the Officer in-charge, Agnigundala lead project against S. K. Saida.

Ex. M16.—Report of G. S. Bishi dt. 21-8-80 and the representation of S. K. Saida to the Sub-Inspector,

Ex. M17.—Enquiry report dt. 23-10-80.

Documents marked for the Workman

Ex. W1 21-8-80—Copy of the Memo No. Ag/Adm./1(360)/70, Dt. 21-8-80 issued by P. C. Shimali, Mechanical Engineer to Sri S. K. Saida.

Ex. M2.—Copy of the written explanation submitted by S. K. Saida to the Mechanical Engineer, Agnigundala Lead Project, Bandalamottu.

Ex. M37 30-8-80.—Copy of the Memo. No. Ag/Adm./3(62)/1(360)/70, Dt. 30-8-80 issued by Sri P. C. Shrimalli, Mechanical Engineer with regard to appointment of Sri A. J. Reddy as Enquiry Officer.

Ex. W4 23-9-80.—Copy of the letter No. Ag/Adm./Eng/80/4, Dt. 23-9-80 of the Enquiry Officer with regard to refusing the request for adjournment.

Ex. W5 16-9-80 to 8-10-80.—Enquiry Proceedings of the Enquiry Officer.

Ex. W6 21-12-80.—Findings of the Departmental Enquiry Committee.

Ex. W7 9-1-81.—Copy of the Memorandum of Dismissal No. Ag/Adm./1(360)/70, Dt. 9-1-1981 issued by Sri R. N. Sinha Project Manager to Sri S. K. Saida.

- Ex. W8 9-1-81.—True Copy of the Memorandum of Appeal preferred against the orders of dismissal from service dt. 9-11-1981, passed in proceedings Number AG/AIM/1(36)/79 submitted by Sri S. K. Saida to the Chairman, Hindustan Zinc Ltd., Udaipur.
- Ex. W9 14-8-81.—Copy of the letter No. 6/10/81-B1/E2, Dt. 14-8-81 issued by Asst. Labour Commissioner (C), Hyderabad to the Project Manager, Agnigundala Lead Project, M/s. Hindustan Zinc Limited, Bandalamottu, Guntur and the General Secretary, Hindustan Zinc Workers' Union, Bandalamottu, Guntur Dt.
- Ex. W10 26-8-81.—Copy of the letter No. 6-10-81-B1/B2, dt. 26-8-81 addressed to the Chief Labour Commissioner (C), Hyderabad by the Asst. Labour Commissioner (C), Hyderabad.
- Ex. W11 23-12-81.—True Copy of the letter No. 5/9/81-82, Dt. 23-12-81 addressed to the Secretary to the Govt. of India, Ministry of Labour, New Delhi by the Asst. Labour Commissioner (C), Hyderabad.
- Ex. W12 16-9-87.—True Copy of the High Court's Order dt. 16-9-87 in W.P. No. 1670/83.

नई दिल्ली, 10 नवम्बर, 1993

का. प्रा. 2639:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मोरमूगाओ पोर्ट ट्रस्ट के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[सं. एल.-36011/1/90-आई. प्रार. (विविध)]
के. वी. बी. उण्णो, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2639.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of MORMUGOA PORT TRUST and their workmen, which was received by the Central Government on 10-11-1993.

[No. L-36011/1/90-IR(Misc.)]

K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY.
: PRESENT :

Shri Justice R. G. SINDHAKAR,

Presiding Officer

REFERENCE NO. CGIT-32 OF 1991

PARTIES :

Employers in relation to the management of
Mormugao Post Trust, Mormugao Harbour

AND

Their workmen.

APPEARANCES :

For the Management : Mr. Talavlikar, Advocate.

For the Workmen : Mr. Braganza, Advocate
Industry : Ports and Docks.
State : Goa.

Bombay, dated the 27th day of October, 1993

AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, New Delhi, by order dated 26/3—1/4/91 for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Mormugao Port Trust, Mormugao Harbour in filling up the post of 'Matron' in the Mormugao Post Trust Hospital by direct recruitment and this depriving promotional avenues to the ward sisters is justified? If not, to what relief the workmen are entitled to?"

2. The facts leading to the dispute have been set out by the union of the Mormugao Port and Railway Workers; in its statement of claim.

3. The Mormugao Port Trust has, amongst other departments, a Medical Department, headed by the Chief Medical Officer. Therein, the Nursing Staff are under the control of the Matron in this Department. It runs a 25 bedded hospital at Mormugao, in the state of Goa. This post of the Matron was created on this establishment in the year 1968 in the pay scale of Rs. 1470-2800. Recruitment rules framed provided for promotion from amongst suitable candidates and failing this by direct recruitment.

4. There was no suitable candidate available for being promoted and therefore, in the year 1968, the post of Matron came to be filled in by direct recruitment. It is the case of the union that there was no promotional avenue for the members of the nursing staff, inspite of the fact that the Hospital has been upgraded to 100 bedded one with medical, surgical, maternity and paediatric wards with a fully equipped Operation Theatre.

5. The reason for not promoting them was that they did not possess the requisite qualification, that is, Diploma in Nursing Operation/B.Sc. Nursing. According to them, these qualification were not necessary for this position in similar organisations. The union in anticipation of a vacancy on account of retirement of the incumbent on 31-5-1990, suggested on 15-2-1989 as a review of pattern of recruitment to the nursing cadre including the Recruitment Rules for the post of Matron. It is their case that the management had in principle agreed to the suggestion, but, desired to examine the same. The question was taken up in the meeting and it is the case of the union that the Chairman of Mormugao Port Trust (MPT) in the

meeting of 19-4-1990 had given an assurance that the post of Matron will be filled in departmentally from the existing nursing staff even by relaxing the qualifications set out. However, it was denied when confirmation in writing was sought. It was however admitted by the management that the assurance was that if any of the nursing staff was desirous of acquiring the qualification prescribed for the post of Matron, the post of Matron will be filled in on ad-hoc basis for a period of 5 to 6 months in order to enable the candidate to complete the course. It is the case of the union that, in spite of this, an advertisement appeared in the local news paper 'The Nav Hind Times' dated 20-5-1990 inviting applications for the post of Matron. The grievance is that this action of the management was not proper in view of the assurance given in that behalf. Therefore, the union wants a declaration that the action of the management was not justified in view of the assurance given from time to time, and in view of the assurance given during the pendency of the conciliation proceedings. It was therefore urged that the Tribunal may direct the management to withhold the recruitment, that the management should sponsor the candidate for suitable course in case the management insisted upon they having the qualifications set out.

6. On behalf of the management, written statement has been filed. It is the principal contention of the management that the rules framed in that behalf specifically calls for the qualification since it was a very sensitive post. It was not possible to promote any one of the ward sisters/staff nurses as they were not possessing the qualifications prescribed, and therefore, direct recruitment was attempted and it was permissible under rules. It was contended that no assurance as alleged was given. It has been further contended that the Recruitment Rules do not provide for any relaxation so far as the qualifications are concerned.

7. There has been a rejoinder filed on behalf of the management, and the averments made in the statement of claim are once again denied.

8. Thus it is evident that the union is challenging the direct recruitment and according to the union, the post of Matron should be filled in by promotion only. The schedule of the reference clearly shows that the dispute referred to is for finding out whether the action of the management of filling up the post of Matron by direct recruitment and depriving promotion to the ward sisters is justified.

9. A post of Matron was created as early as in the year 1968. Extract of the Recruitment Rules has been produced by the union and the management has produced the complete set of rules. It is seen therefrom that, it is clause III under which the post of Matron has been classified. It is a selection post and the qualifications prescribed in column 6 are :—

Matriculation or equivalent.
Sr. General Nursing and Midwifery Certificate.
Registered Nurse and Midwife.

Certificate/Diploma in Nursing Administration
or B.Sc. Nursing.

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2 years experience as Asstt. Matron or 5 years experience as Sister.

Column 7 deals with the applicability of age limit and qualification prescribed in column 6 in the case of promotees. Therein as against age it says 'No', and against qualification it says 'Yes'. Therefore, it clearly shows that the qualification prescribed in column 6 is applicable to the promotees also. As per the Recruitment Rules, there are two ways of filling this post, that is promotion amongst suitable candidate/filling which direct recruitment. It is therefore, evident that the promotees in order to get the promotions are required to be qualified and it does not appear to be relaxable. In the circumstances, I find that none of the existing staff nurses were eligible for promotion for want of qualification and it is not in dispute. It is then contended that the qualification of Certificate/Diploma in Nursing Administration or B.Sc. in Nursing was not prescribed as a necessary qualification in other establishments. And, the second limb of the argument is that the management had given an assurance to sponsor the candidate for the course.

10. The argument that the qualification prescribed is not professionally essential and that it has not been prescribed for similar posts in hospitals under the State Government, and other Major Ports does not appeal to me. Even the high power Committee Report on Nursing and Nursing activities dated 30-6-1989 mentioned on page 8, at item 11, that :

"Nurse in senior position like Ward Sister, Asstt. Nursing Superintendent, Deputy Nursing Superintendent, Nursing Superintendents must have courses in management and administration before promotion."

It has been further mentioned in the same report that :

"Nurses working in speciality areas must have courses in specialities."

It is also not correct to say that other hospitals run by the State Government and the other Major Ports of India do not prescribe such qualification. The management has produced the Recruitment Rules to the post of Group 'C' Non Ministerial Non-Gazetted post in the State of Goa, which shows that the essential qualification required for the post of Matron are :

1. B.Sc. in Nursing of a recognised University.
2. General Nursing and Midwifery Certificate.
3. Regd. Nurse and Midwife.
4. 3 Years experience as Asstt. Matron.
5. A course in Nursing Administration from recognised Institute.

It is needless to say that Matron is to supervise the functions of the Nursing Staff and as such as the Matron requires knowledge of administration, and therefore, to say that this qualification is not professionally required would be incorrect.

11. The other point raised is that an assurance was given. Now with reference to the assurance,

in the course of the evidence the Union Secretary Mr. Rodrigues stated that when the rules were framed and the qualifications were prescribed, there was no facility in Goa, or near-by to attend the course and secure the qualifications prescribed. The union therefore, raised a dispute and demanded that the qualification prescribed should be reviewed. This was rightly objected to on behalf of the management on the ground that this was not the case pleaded in the statement of claim. For the very same reason, I reject that part of the evidence of Mr. Rodrigues, wherein he says that there was an assurance that the qualifications prescribed would be reviewed. It is also unacceptable because, since 1988, nothing appears to have been done by the union to get the qualifications reviewed. It is only when the present post fell vacant and was to be filled in 1990, some objections were raised and the subject discussed in the meetings.

12. It has been stated by Shri Rodrigues that in the minutes of the meeting held in February 1989, with the CMO, the question of review of the Recruitment Rules to the post of Matron was discussed. A statement was made by the CMO that Mr. Rodrigues should put up in writing giving the date of comparative organisations. He therefore, supplied the material vide letter dated 15-2-1989, and it was replied on 27-3-1989. According to him, there was a meeting held on 19-4-1990 and in that meeting, the question was raised and he had mentioned that the post of Matron likely to fall vacant should be filled in by promotion. What transpired in the meeting of 19-4-1990 is seen from the minutes of the meeting termed as 'Record Note' of the discussion had with the representative of Mormugao Port and Railway Workers' Union by the Chairman. Mr. Rodrigues was present at the meeting as the General Secretary of the union. At item No. 2, it is mentioned that, "Subject : Filling up of the post of Matron." In para 6 of the said record note, it has been stated that :

"The union representatives stated that there are many staff sisters available in the MPT Hospital and one of them should be considered for the post of Matron, which is a promotional post."

In para 7 has been stated that :

"It was explained to them that none of the existing staff sisters are fulfilling the requirements of the Recruitment Rule. One of the most important requirement of the Recruitment Rule is that the candidate should possess a Certificate/Diploma in Nursing Administration or B.Sc. in Nursing. Chairman further stated that some months ago he had directed the CMO to depute senior sisters for the course in Nursing Administration. However, no sister has gone. This proposal ought to have been followed up by the senior sisters. He further stated that if any of the sisters are still willing to go for the course, and can proceed in securing admission for such a course, Administration may consider operating the post of Matron on Ad-hoc basis for a period of 3 to 6 months."

In para 8, the union representatives requested for relaxation of the qualification in view of the experience. In reply in para 9, the management explained to the union representatives that, in a technical field it is not all advisable to relax the qualifications. It was also explained to the union representatives that it would not be possible for the administration to relax the qualifications required for such sensitive posts like Matron. Therefore, it cannot be accepted that an assurance was given in the meeting by the Chairman on 19-4-1990 as alleged. Mr. Rodrigues alleged that the minutes of the meeting has not been properly recorded by the management. It is difficult to accept this contention because no material has been adduced to support it. He thereafter referred to the letter dated 19-4-1990, by the management. No such assurance was given in this letter also. He therefore, agreed that in the minutes of the meeting of 19-4-1990, there is no reference to the assurance.

13. It is the contention that the management and it was all along contending that the Recruitment Rules do not permit promotion to the post of Matron of persons not qualified for promotion. The contention is that there was an assurance given that an eligible candidate will be sent for training. However, the case of the management in this behalf is that nobody was agreeable to go for training. During the course of the evidence of Mrs. Saramma John, witness No. 2 for the workmen, she was shown a document marked 'Y' which purports to have been sent by the Ward Sisters, Operation Theatre Assistant and Staff Nurses. It is dated 20-9-1990, addressed to the Chairman. It also makes a reference to some assurance and raises an objection about filling up the post of Matron by direct recruitment. However, there is no material to show that in fact the same reached the Chairman. During the cross-examination of the witness it was conceded by her that she was unable to say if it was sent to the Chairman through the CMO or through the union. She further stated that she did not offer herself for that post, and she could not say whether except one Mrs. Vaz others did not offer. Even about Vaz she did not know if she offered herself.

14. It was then urged on behalf of the management that the senior most ward sister aspiring for promotion for the post of Matron is the wife of Shri Rodrigues. However, I do not see that it has much of a relevance. Considering all the material before this Tribunal, I am unable to hold that the action of the management in advertising the post of Matron for direct recruitment was unjustified. In the circumstances, as that was one of the modes in which the posts can be filled in by direct recruitment in case of non availability of candidates for promotion with prescribed qualifications. The workmen are therefore, not entitled to any relief.

15. The reference is accordingly answered with no order as to costs.

R. G. SINDHAKAR, Presiding Officer.

नई दिल्ली, 10 नवम्बर, 1993

का. भा. 2640:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. जयन्त ट्रांसपोर्ट कम्पनी के प्रबन्ध

तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[सं. एन-31012/10/91—आई आर (विविध)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, cum Labour Court No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Jayant Transport Company and their workmen, which was received by the Central Government on 10-11-1993.

[No. L-31012/10/91-IR(Misc.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar,

Presiding Officer

Reference No. CGIT-8 of 1992

PARTIES :

Employers in relation to the management of M/s
Jayant Transport Company, Bombay

AND

Their workmen

APPEARANCES :

For the Management : Shri M. B. Anchan,
Advocate

For the Workmen : No appearance

INDUSTRY : Ports & Docks
STATE : Maharashtra

Bombay, dated the 26th day of October, 1993

AWARD

The following reference has been made to this Tribunal by Government of India, Ministry of Labour, New Delhi on 13-2-1992.

"Whether the action of the management of M/s. Jayant Transport Co. operating in major Port and Dock in terminating the services of Mr. Bharat Ganpat Kadam, Dock Clerk who has in continuous employment from October 1935 to 20th February, 1991 is legal and justified? If not, to what relief the workman is entitled to?"

2. Notice was served on the union and none appeared on behalf of union on 21-4-1992. Since the Presiding Officer's post was vacant the matter was adjourned for statement of claim.

3. A fresh notice was directed to be issued on 8-7-1993 and the same was duly served. Yet there is no appearance on behalf of the union nor a statement of claim has been filed. It is evident that the union is not interested and it is not possible to adjudicate upon the dispute without a statement of claim.

4. Reference is disposed off and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1993

का. शा. 2641:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाम्बे पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-11-93 को प्राप्त हुआ था।

[सं. एन-31012/21/90—आई आर (विविध)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2641.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, cum Labour Court No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which was received by the Central Government on 10-11-1993.

[No. L-31012/21/90-IR(Misc.)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar,
Presiding Officer

Reference No. CGIT-23 of 1991

PARTIES :

Employers in relation to the management of
Bombay Port Trust

AND

Their workmen.

APPEARANCES :

For the Management : Mr. M. B. Anchan,
Advocate

For the Workmen : No appearance

INDUSTRY :

Ports & Docks

STATE :

Maharashtra

Bombay, dated the 12th day of October, 1993.

AWARD

The following reference has been made to this Tribunal Government of India, Ministry of Labour by letter dated 27th March, 1991.

“Whether the management of Bombay Port Trust, Bombay, were justified in denying the pension benefit to Shri Sridhar Thanaji Bhabal, M. E. Driver Gr. I, after rendering 33 years unblemished service? If not, to what relief is the workman entitled?”

2. Shri Sridhar Tanaji Bhabal was on the Establishment of Bombay Port Trust till he tendered resignation on 12th February 1987. It was accepted by the management and he was relieved. Shri Sridhar now wants that he be allowed to withdraw letter dated 12th February 1987, that he be sent to the B.P.T. hospital for unfitness declaration, that he be paid pension from January 1987. He also sought injunction directing the B.P.T. authorities to appoint one son in place of applicant as a special case.

3. He has mentioned in the application that he met with an accident on 14th January 1987. He was removed to the Hospital at Sion, Doctor declared him unfit to work. He has earlier stated that on 5th January 1987 he fell down and colleagues spread rumour that he was intoxicated. He was prosecuted, but ultimately acquitted. It is his case that under certain circumstances he had tendered his resignation on 12-2-1987 and subsequently another application on 19-7-1987 for retirement.

4. The management has filed written statement. It is admitted that he was in the employment since 6-2-1954. He was governed by Contributory Provident Fund Rules framed under the Provident Fund Act. In fact, all the employees of B.P.T. were governed by these rules. In October 1965, pension scheme was introduced and the employees were given notice that if they so desired they may opt for the pension scheme. This workman, Shri Sridhar never opted for the scheme inspite of opportunities given to the employees again in November 1979, November 1981, August 1984 and August 1986. He continued to be governed by the Contributory Provident Fund Rules. He tendered his resignation and he was given the dues to which he was entitled. Therefore, the management opposes his request for pension.

5. The workmen remained absent when the matter was call-out for hearing on 12-10-1993 to which date the matter was adjourned on 2-9-1993 when the workman was not present. I have heard the learned Advocate Shri Anchan appearing on behalf of B.P.T.

6. Mr. Anchan produced the B.P.T. Pension Regulations applied to employees appointed on October 1965. The regulations applied to employees appointed on October 1965 and all other employees in the service of the trustees on 4th August 1965 who have duly opted for the same in terms of the option that may be given to them. Since Shri Sridhar was an

employee prior to 6th October 1967, it was necessary for him to exercise option and that he failed to do. In view of this, it was urged on behalf of Bombay Port Trust, he was not entitled to pension. It is obvious from this, that his claim for pension is not justified. He also tendered his resignation in 1987 by letter dated 12th February. That was accepted by the management and when he attempted to withdrawn that letter in July, 1987 the management did not allow him to do it. He was given dues to which he was entitled and relieved. I therefore, find that there was justification for not giving pension benefit to Shri Sridhar and reference will have to be answered accordingly and award made.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1993

का. आ. 2642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाम्बे पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[सं. एल—31012/37/90—आई आर (विविध)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2642.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Cum-Labour Court No. 1. Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which was received by the Central Government on 10-11-93.

[No. L-31012/37/90-IR(Misc.)]

K. V. B. UNNY, Desk Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT—BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar.—Presiding Officer

REFERENCE NO. 1—CGIT—1/25 OF 1991

PARTIES :

The Employers in relation to the Management of Bombay Port Trust, Bombay.

AND

Their Workmen.

APPEARANCES :

For the Employer.—Shri M. B. Anchan Advocate.

For the Workmen.—Shri Jaiprakash Sawant Secretary, BPT Employees' Union.

INDUSTRY : Port and Dock. STATE : Maharashtra.

Bombay, dated the 4th day of August, 1993.

AWARD—PART—I

The Government of India, Ministry of Labour has by order dated 27-03-1991 made the following reference to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) :

“Whether the Bombay Port Trust were justified in superannuating from service w.e.f. 01-07-1988 instead from 31-10-1990 (ignoring the actual date of birth based on School Leaving Certificate i.e. 20-10-1993) of Shri Dewoo Pandurang Haram, Scavenger in flo'lla section of Chief Mechanical Engineering Department. If not, to what is the workman entitled to?”

The workman has filed his statement of claim stating therein that he made an application on 31-03-1980 requesting the management to record his actual date of birth on the basis of the School Leaving Certificate as 20-10-1933, instead of 01-07-1930. According to him, this application was submitted as required by the management, i.e. 6 months prior to his retirement, and, he also gave the School Leaving Certificate. His application was rejected. Had it been considered, he would have continued to work till 31st October 1991. However, he was made to retire on 01-07-1988, on superannuation on the basis of earlier recorded date of birth as 01-07-1930.

The reference is to the effect, whether this action of the management of Bombay Port Trust was justified?

On behalf of the management, written statement has been filed. It is stated therein that the workman was appointed as a temporary mazdoor on 15-12-1953. He did not produce any School Leaving Certificate to prove his date of birth at the time of his appointment, instead he declared his age as 23 years when asked to state his date of birth. His date of birth therefore, was recorded as 01-07-1930 in the service record. He was asked to appear before the Chief Medical Officer of the Bombay Port Trust to ascertain his age. The Chief Medical Officer, after examination assessed his age as 23 years and accordingly his date of birth was recorded as 01-07-1930. As per the said date of birth, the workman was to retire on 01-07-1988 on attaining the age of 58 years. The workman however, applied for change of his date of birth as stated by him in his statement of claim and produced a School Leaving Certificate dated 11-03-1980, issued by the Head Master, Jeevan Shikshan Sala for boys, No. 1, Deogad, and therein his date of birth shown was 20-10-1933. That application was however, rejected by the Chairman in view of the earlier declaration and in view of the fact that he had derived benefit of fixation of higher initial pay as a result of that declaration. There was a dispute raised with the management and later before the Assistant Labour Commissioner (Central). No

settlement could be reached, and finally, the Government made the present reference to this Tribunal.

It is stated that the School Leaving Certificate is not a genuine document. According to the management, it was stated therein that he was born in Mumbri Village in Taluka Deogad. However, when the Tahsildar of Deogad Taluka was asked to verify this fact, he reported that there is no entry recorded in the Births & Deaths Register maintained by his office during the period from 1932 to 1934. It was further stated that the workman produced no other document in support of his claim for change of date of birth. It is contended that he had not produced any certificate or any other document regarding his date of birth at the time of his initial appointment, and his age was declared as 23 years, and the Medical Officer also assessed his age as 23 years and the date of birth therefore, came to be recorded as 01-07-1930 in the service register. Further, the workman was given opportunities in the years 1954 as well as 1959 to apply for change of date of birth if the same has not been correctly recorded. The workman failed to avail of these opportunities. An agreement was arrived at between the Union and the Management in the years 1973, that if such requests were made and duly supported by necessary documentary proof six months prior to the date of retirement, the request should be considered. It is stated that “the workman failed to avail of the opportunity once again”.

The point of estoppel was raised on the ground that he had got the advantage of higher pay. It is stated that, if the workman had not attained the age of 21 years at the time of his appointment, his initial pay was to be reduced by Rs. 29 per month and fixed at Rs. 29 per month in the scale of Rs. 30-1-35 and those who had attained the age of 21 years and above, their pay was fixed at Rs. 30/- per month on their appointment in that scale. This workman had declared his age as 23 years at the time of his initial appointment, and therefore, his pay was fixed at Rs. 30/- per month as on 15-12-1953. The contention is that, he cannot be allowed to avail another benefit by changing his date of birth.

In result, the final contention is, that the workman cannot get any relief in this reference.

The facts which are not in dispute are, that this workman was appointed on 15-12-1953, at that time he did not have nor produced any record in respect of his declaration about his age, and on the basis of the assessment of his age, by the Chief Medical Officer of the Bombay Port Trust, that he was held about 23 years of age and his date of birth was recorded as 01-07-1930. Later, the management gave opportunities to the workmen, including the present workman Shri Haram to get the date of birth corrected, if it was not correctly recorded. These opportunities were not availed according to the management by the workman in the years 1954 and 1959. It is in the year 1980, he made an application for correction of his date of birth and produced a School Leaving Certificate in support. That School Leaving Certificate showed his date of birth as 20-10-1933. The same has been produced on record at Exhibit W-1. It is evident that in the year 1973, the management and the Union agreed that if a request for amendment of date of birth duly supported by documentary proof was made

months prior to the retirement of the employee concerned, would be considered. In this case, as stated earlier even on the basis of his date of birth as 01-07-1930, he was scheduled to retire in the year 1988. Therefore, the request made to the management in the year 1980 for correction of date of birth can be surely considered, as it was much prior to the period of 6 months prior to the date of retirement as agreed upon. I fail to see how it has been stated in para 4(b) of the written statement that :

“The workman failed to avail of these opportunities once again.”

Thereafter, I find that the management while replying to the application of the workman for correction of the date of birth, the management did not state the ground for rejecting the application as it would be found. In short, the management stated in that reply dated 6th June 1988 (Exhibit W-1) that the workman has already availed the benefit of higher wage fixation as a result of declaring his age as 23 years at the time of his appointment, and he cannot plead for another date of birth to avail another benefit.

Since he was above 21 years of age, he got the benefit of fixation of pay at Rs. 30 as against Rs. 29 per month, which was applicable to those below 21 years of age on the basis of the date of birth now applied by him to be the correct date.

So far as this aspect is concerned, I find that in spite of this decision, the management has given opportunities alongwith other workmen, to the present workman to make application for correction of date of birth. They have never as could be gathered from the workman's contention stopped the said workman from applying for correction of date of birth.

It has been contended in the written statement that the School Leaving Certificate is not a genuine document, and for that purpose it is stated that in the School Leaving Certificate, it has been shown that he was born in Mumbri Village in Deogad Taluka and when the Learned Tahsildar of Deogad Taluka was asked, he clarified by his letter dated 05-10-1987 that there is no entry in the register of births and deaths maintained by his office during 1932 to 1934. It is rather difficult to doubt the genuineness of the School Leaving Certificate on this ground. However, at the relevant time, the reporting of the birth and death to the authorities was not taken seriously. At any rate, it is not relevant for our purpose. I do not think that the management rejected the application on this ground now urged, because, the letter of June 1988 does not say so. It only mentions that as the workman has availed a benefit on the basis of his declaration of age, he cannot now plead for another date of birth to get another benefit. Even if it be so, the management could have before rejecting the School Leaving Certificate, asked the Tahsildar to verify whether in the year 1930, the birth of the present workman has been registered and if it is so recorded, then it can be said that he was not born in the year 1933, but he was born in the year 1930. Therefore, there was in my opinion, no good reason for discarding the evidence of date of birth provided by the School Leaving Certificate.

Yet another reason stated for not accepting is given in Para 4(e) of the written statement, i.e. the School Leaving Certificate states that it is based on the oral statement given by the parents/guardian while admitting him in the school without any documentary evidence. I do not see from where this information, i.e. the School Leaving Certificate says that the date of birth is recorded on the basis of the oral statement of the parents/guardian is obtained. At any rate, it supersedes the declaration of age given by the workman, and the assessment of age made by the Chief Medical Officer of the Bombay Port Trust. It is not necessary to state here, that the earlier would be approximation and the latter would be based on opinionative evidence.

The management has further contended that while taking a Life Insurance Policy, in 1959, the workman failed to provide his correct date of birth to the Life Insurance Corporation of India, since there was no documentary evidence to show his date of birth as 20-10-1933. Even in this behalf, as stated in the earlier paragraphs, I do not think that this statement can be considered as a good ground arrive at the decision that the date of birth 20-10-1933 is not correct. It can very well be seen that the School Leaving Certificate was issued on 11-03-1980, and he applied for change of date of birth to the management on 31-03-1980, i.e. there was no documentary proof with him in the year 1953. Instead, in 1980, he was armed with a School Leaving Certificate, which he produced before the management for correction of date of birth.

It was then contended that the workman has already availed the benefit on the basis of his declaration about age, and cannot ask for change of age to avail another benefit. It is seen from the circular dated 25-05-1993 produced on record at Exhibit W-2, that the management had once again given opportunity to the workmen to get their dates of birth corrected if the one furnished by them at the time of initial appointment is not the correct one, by submitting necessary documentary evidence in support of their claims. In my opinion, this circular specifically directed those employees whose dates of birth has been recorded in the Port Trust records on the basis of their declaration of age at the time of their initial appointment and assessment by the Port Trust Medical Officer, that they may apply if they so desire for the correction of their date of birth. This clearly says that it has been a practice of the management to record the date of birth on the basis of declarations made by the workman and on the basis of the assessment of their age by the Medical Officer at the time of their appointment, in spite of the fact that the Bombay Port Trust Rules and Regulations for the Non-scheduled Staff stated in Rule XXVII, Clause 29(1)(iv) that every person shall provide necessary proof as to his age at the time of his appointment. The management therefore, gave opportunities to the employees to submit applications and to produce material in support of their claim. As stated above, it must be taken that the declaration at the time of employment could not have been a good ground to reject the request of the workman for correction of his date of birth as done in this case, on the premises that the workman has relevant document in support of his claim.

As already stated above, absence of entry in the births & deaths register in Mumbri Village, Deogad Taluka cannot be a good ground for rejecting the request of the workman, nor not giving the correct date of birth to the Life Insurance Corporation in 1953. No sufficient justification for not recording the correct date of birth.

No person can have personal knowledge about his date of birth and he must derive that knowledge from sources other than his own. If that be so, it is not unjustified if he is allowed to raise a dispute about his date of birth on the basis of the material available to him from time to time. It is true that some limitations have to be fixed, and as stated already the Union and the management rightly agreed that the last opportunity should be six months prior to the date of retirement of the workman. The present workman made his application in the year 1980, i.e. 8 years prior to his retirement, and the same was rejected after a lapse of 8 years on the basis of his earlier declaration about his age. I have stated earlier, that the workman has now retired and that he has also collected all his retirement benefits and the settlement dues and he is no more an employee of the Bombay Port Trust. Prior to his retirement, he raised the dispute with the management and also took up the matter through the Union before the Assistant Labour Commissioner. This position is clear from the letter of the Assistant Labour Commissioner, that the workman accepted the retirement benefits without prejudice to his right to claim the change in the date of birth.

I am of the view that the management of Bombay Port Trust was not justified in superannuating from service the workman Shri Dewoo Pandurang Haram with effect from 01-07-1988 instead of from 31-10-90. So far as the relief is concerned, he would be entitled to get the wages for the period between 01-07-1988 and 31-10-1990. However, that will have to be worked out, and while doing so, if he was gainfully employed, the wages earned by him during that period will have to be deducted while calculating the amount payable towards wages for the period 01-07-1988 till 31-10-1990.

R. G. SINDHAKAR, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-25 of 1991

PARTIES :

Employers in relation to the management of Bombay Port Trust.

AND

Their workmen.

APPEARANCES :

For the Management.—Shri Anchan, Advocate.

For the Union.—Shri Jaiprakash Sawant.

INDUSTRY : Ports & Docks STATE : Maharashtra
Bombay, dated the 11th day of October, 1993

AWARD

Part II

After passing the Award Part-I on 4th August, 1993, the matter came up before me for hearing on the latter part of the reference. No material has been produced on record showing the amount due and payable to the workman. However, it was submitted on behalf of the workman that he was not employed elsewhere during the period from 1-7-1988 to 31-10-90.

Mr. Anchan appearing on behalf of the Bombay Port Trust has produced a statement showing the total amount payable to the workman as Rs. 70,880.30 (Rupees Seventy Thousand Eight Hundred Eighty and Paise Thirty only). There is no material on record to show that he was gainfully employed during this period and earned any wages. In the circumstances, I direct the management of Bombay Port Trust to pay the sum of Rs. 70,880.30 to the workman Shri Dewoo Pandurang Haram within two months from the date of publication of this Award in the gazette.

नई दिल्ली, 10 नवम्बर, 1993

का.आ. 2643:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ए. ए. आई. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध, में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[सं. एन—11011/9/90—आई. आर. (विविध)]

के. वि. बी. उष्णी, डेस्क अधिकारी

New Delhi, the 10th November, 1993

S.O. 2643.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of I.A.A.I. and their workmen which was received by the Central Government on 10-11-1993.

[No. L-11011/9/90-IR(Misc.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY.

PRESENT :

Shri Justice R. G. Sindhakar,

Presiding Officer

REFERENCE NO. CGIT-89 OF 1990

PARTIES :

Employers in relation to the management of International Airports Authority of India, Bombay.

AND

ANNEXURE

Their Workmen

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY
PRESENT

APPEARANCES :

For the Management : Shri Patil, Advocate.

For the Workmen : No appearance.

Industry : Airlines.

State : Maharashtra.

Shri Justice R. G. Sindhakar,

Presiding Officer

REFERENCE NO. CGIT-34 OF 1991

PARTIES :

Employers in relation to the management of International Airports Authority of India, Bombay.

AND

Their workman.

APPEARANCES :

For the Management : Shri Patil, Advocate.

For the Workmen : No appearance.

Industry : Airlines.

State : Maharashtra.

Bombay, dated the 25th day of October, 1993.

AWARD

The following reference has been made by Government of India, Ministry of Labour, New Delhi on 4th April, 1991 :—

The following reference has been made to this Tribunal by letter dated 8th November, 1990 by Government of India, Ministry of Labour, New Delhi.

“Whether the action of the management of International Airports Authority of India, Bombay in not stipulating and notifying the job Descriptions/Specifications of the various categories of jobs existing in the Authority is justified. If not, to what relief the workmen concerned are entitled to?”

2: Shri Khapane, Secretary appeared on behalf of the union and prayed for time for filing statement of claim on 22nd June, 1993. The matter was adjourned on 6-8-1993, 23-9-1993 and 4th October, 1993. There was no appearance on behalf of the union on 6-8-1993, 23-9-1993 and no statement of claim also was filed. In the circumstances, it appears that the union is not interested in adjudication of the dispute. The reference had been received in 1990 and yet till this day no statement of claim has been filed. The reference is therefore, disposed off and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1993

का. आ. 2644 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई. ए. ए. आई. के प्रबन्धतंत्र के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[सं. एन—11012/20/90—आई आर (विविध)]

के. वी. वी. उण्णी, डेस्क अधिकारी

New Delhi, the 11th November, 1993

S.O. 2644.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial-Tribunal-cum Labour Court No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of I.A.A.I. and their workmen, which was received by the Central Government on 10-11-1993.

[No. L-11012/20/90-IR (Misc.)]

K. V. B. UNNY, Desk Officer

2. Notice was issued to the Secretary, International Airports Authority of India Employees Union and the same was served. However, no statement of claim has been so far filed on behalf of the union. On 22nd June 1993, Shri Khapane, Secretary asked for time and the matter was adjourned to 6th August, 1993 for filing statement of claim. There was no appearance on behalf of the union on that day nor on 23-9-1993 or 4-10-1993, to which dates the matter was adjourned. In view of the fact that no statement of claim has been filed, it is not possible to adjudicate upon the dispute referred and find out if action of the management was justified. It appears that the union is not interested. In the circumstances reference is disposed off and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1993

का. आ. 2645 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मोरमुगाओ पोर्ट ट्रस्ट के प्रबन्धतंत्र के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण नं. 1, बम्बई के पंचायत को प्रकाशित करती है जो केन्द्रीय सरकार को 10-11-93 को प्राप्त हुआ था।

[सं. एल.-36011/2/91-आई आर (विविध)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1993

S.O. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-Cum-Labour Court No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mormugao Port Trust and their workmen, which was received by the Central Government on 10-11-93.

[No. L-36011/2/91-IR (Misc.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Present :

Shri Justice R. G. Sindhakar, Presiding Officer.
REFERENCE NO. CGIT-82 OF 1991

Parties :

Employers in relation to the management of
Mormugao Port Trust.

AND

Their workmen.

Appearances :

For the Management : Shri Talaulikar, Advocate.

For the Union : Shri P. V. Salgaonkar, Genl. Secretary.

INDUSTRY : Ports & Docks STATE : Goa
Bombay, the 19th day of October, 1993

AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, New Delhi by order dated 27-9-1991 for adjudication under section 10(1)(d) of the Industrial Act, 1947.

“Whether the action of the management of Mormugao Port Trust Mormugao-Harbour Goa is justified in not giving promotion to Smt. Sunanda Korgaonkar, Hospital Attendant to the Post of Hospital Records Attendant ? If not, to what relief the concerned workman is entitled to?”

2. Statement of claim has been filed and the Management has filed written statement thereto. An additional rejoinder has also been submitted on behalf of the employer.

3. Adjudication of this reference involves a short point as to whether the grievance of the workman Smt. Sunanda Korgaonkar, Hospital Attendant about

her non promotion to the post of Hospital Records Attendant is justified. For enabling one to understand the point involved, it will be better to set out certain facts which are undisputed.

4. By memo dated 7-9-1976 Smt. Sunanda came to be selected and appointed for the post of Ayah in the Medical Department of the Mormugao Port Trust, Vasco-da-Gama, Goa. She accepted the appointment and joined the services. At the time of her selection and appointment, there were two different cadres one of Ayahs, and one of Hospital Attendants. There was promotional avenue for Ayahs. In the year 1983, the post of Ayahs came to be re-designated and treated as Hospital Attendants, with effect from 13-8-1993. Hospital Attendants were eligible for promotion to the post of Hospital Record Attendants. In the year 1986, the post of Hospital Record Attendant fell vacant as a result of the retirement of Shri Peter Menezes. This post was filled up by promoting Shri Assolkar a Hospital attendant.

5. It is the contention of Smt. Sunanda, that Shri Assolkar was junior to her since he was appointed only in the year 1977, while she was appointed in the year 1976. She belongs to Scheduled Caste, and so did Shri Assolkar. The post was to be filled in by a Scheduled Caste candidate. Therefore, it is clearly admitted that so far as that part of her grievance is concerned, she cannot be senior to Shri Assolkar on that count.

6. The management contended that she cannot be considered as senior to Shri Assolkar only on the ground that she was appointed in the services of the opponent in the year 1976, as against the appointment of Shri Assolkar in the year 1977. They were appointed to two different cadres, i.e. Smt. Sunanda as Ayah and Shri Assolkar as Hospital Attendant. It may be, that their pay scale was same, and that there are other similar features such as their duties were the same. However, that may not have a great bearing on the point in my hand.

7. The admitted position is, there were two different cadres and these two persons were appointed to different cadres. The persons appointed to the cadre of Hospital Attendants were eligible for promotion to the higher post of Hospital Record Attendants, and the other cadre of Ayah had no promotional avenues. In the year 1983, a decision was taken that the post of Ayahs should be re-designated as Hospital Attendants so that they will be eligible for promotion and that was accordingly done according to the management prospectively with effect from 13-8-1983. As a result of this, a fresh seniority list was prepared and one such list produced on record is as on 31-12-1984. It shows at column No. 4 the date of initial appointment in the organisation and in column No. 5, date of appointment to the post of Hospital Attendant in the organisation. In the case of Shri Assolkar under both heading it is 27-4-1977, and in the case Smt. Sunanda, though the date of initial appointment is 11-11-1976, the date of appointment to the post of Hospital Attendant is 13-8-1983. Therefore, this list clearly shows that she was junior to Shri Assolkar and on the basis of this seniority list, the departmental promotion committee considered her and recommended Shri Assolkar.

8. It is evident that since 1984, no grievance has been made by Smt. Sunanda on the point that she should have been placed above Shri Assolkar. It is also clear that there is no separate seniority list of Hospital Attendants. It is true that before the post fell vacant she had made a request to the Chief Medical Officer of Mormugao Port Trust, that she was senior in the list of promotees and entitled to the post of Hospital Record Attendant. She therein mentioned the date of her initial appointment as 11-11-1976. The management however, has not accepted her contention, and when the matter was taken up before the Asstt. Labour Commissioner, for conciliation, it was stated that there was no discrimination on the ground of sex and that Shri Assolkar was appointed to the post of Hospital Attendant. It was also contended on behalf of the management that she would be getting her placement in the seniority list of Hospital Attendants only from the date Ayahs came to be re-designated as such. This being the position, it is difficult to accept her contention that her seniority was ignored when the seniority list for the promotional post was made.

9. In the statement of claim, reference has been made to the recruitment rules to the post of Operation Theatre Sister and Operation Theatre Assistant, both having avenue for promotion to higher posts. I do not think this will have anything to do with her present matter in hand. As stated earlier, Ayahs were not eligible for promotion, and only after that post came to be re-designated as Hospital Attendants, by order dated 13-8-1983, they became eligible for promotional posts. That surely cannot disturb the seniority of the Hospital Attendants who were already working in that cadre. In the circumstances, Smt. Sunanda though appointed prior to Shri Assolkar, will be junior so far as the seniority list of Hospital Attendants is concerned. Therefore, the argument of sex discrimination does not appear to be justified. In the circumstances, the reference is accordingly answered and the award is made.

R. G. SINDHAKAR, Presiding Officer.